

Message

From: Covington, Tayler [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=45C6AF0657D548DCBEF7C5ED3FB34141-COVINGTON,]
on behalf of Region2 PAD News [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB26E0976985441E8BF28159C4856B58-REGION2 PAD]
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Region 2 News Clips

Gov. Cuomo seeks to derail Adirondack rail car storage plan (WALL STREET JOURNAL; December 19, 2017)

Gov. Andrew Cuomo is asking a federal agency to stop a railroad company from mothballing unused rail cars in the Adirondack Park.

Knotel Planning Ground-Up Gowanus Development, Hits 600K SF Milestone (BISNOW; December 18, 2017)

On-demand headquarters provider Knotel has cracked 600K SF of new or planned space in the U.S. in 2017 with an entirely new sort of deal for the company.

Community demands developers complete original cleanup agreement at Waterpointe site in Whitestone (QUEENS COURIER; December 19, 2017)

Recent developments in the cleanup plans of a controversial Whitestone residential site have certain community members crying foul.

\$20 million in aid earmarked to prevent Niagara Falls sewage discharges (BUFFALO NEWS; December 19, 2017)

Niagara Falls' wastewater treatment plant, which malfunctioned spectacularly this summer in an incident that brought the city worldwide derision, is being earmarked for special aid from Albany.

Eastern Long Island shoppers facing 5-cents plastic bag fee (LONG ISLAND BUSINESS NEWS; December 19, 2017)

Shoppers on eastern Long Island will soon be charged a fee for using plastic bags.

Gov. Andrew Cuomo vetoes bill expanding pine barrens area (NEWSDAY; December 19, 2017)

A move to expand Long Island's pine barrens area, including this spot near the shuttered Shoreham nuclear power plant, was scuttled by the governor.

Project aims to help alewife bypass Nissequogue River dam (NEWSDAY; December 19, 2017)

Conservationists will begin engineering studies next year for a fish passage on the Nissequogue River intended to help tens of thousands of ocean-run alewife bypass a dam built in Colonial times, returning to their inland spawning grounds for the first time in three centuries.

On Closer Look, PSEG Nuclear Subsidy Bill Outrages Opponents (NJ SPOTLIGHT; December 19, 2017)

With a weekend to digest a bill to prop up New Jersey nuclear plants, foes were left fuming with many objections and one key question: how did advocates come up with the surcharge on customers' bills?

National News

E.P.A. Delays Bans on Uses of Hazardous Chemicals (NEW YORK TIMES; December 19, 2017)

The Environmental Protection Agency will indefinitely postpone bans on certain uses of three toxic chemicals found in consumer products, according to an update of the Trump administration's regulatory plans.

Consulting Firm Whose Staff Scoured E.P.A. Employees' Emails Loses Media Contract (NEW YORK TIMES; December 19, 2017)

WASHINGTON — A consulting firm has pulled out of a federal contract to provide media monitoring services to the Environmental Protection Agency after it was disclosed that a lawyer among its top executives had been investigating agency employees critical of the Trump administration.

EPA chief sweeps office for bugs, installs high-tech locks (NBC NEWS; December 19, 2017)

WASHINGTON — The head of the Environmental Protection Agency used public money to have his office swept for hidden listening devices and bought sophisticated biometric locks for additional security.

PFAS Health Study Required By Congress May Lift Threat Of Superfund Suit (INSIDE EPA; December 19, 2017)

Defense legislation signed into law by President Donald Trump Dec. 12 will authorize at least \$7 million for a federal study on the human health impacts stemming from perfluorinated chemicals in drinking water near military facilities, potentially lifting the threat of a suit to force a Superfund study and bolster efforts to require strict cleanups.

EPA Review Could Help Suit Over California's Glyphosate Cancer Finding (INSIDE EPA; December 19, 2017)

EPA is reiterating its conclusion that the world's most commonly-used herbicide, glyphosate, is not likely to cause human cancers, striking a blow to California's recent listing of the substance as a carcinogen under its Proposition 65 warning-label law and potentially aiding a pesticide industry lawsuit challenging the state's listing.

EPA Formally Ask Stakeholders How to Change the Clean Power Plan (ENVIRONMENTAL LEADER; December 19, 2017)

The Environmental Protection Agency issued a formal proposal on Monday asking stakeholders how they would change the Clean Power Plan that would require industry to reduce CO2 emissions by 32% by 2030.

ASU scientists discover gut bacteria in bees spread antibiotic-resistant genes to each other (ENN; December 19, 2017)

It's the kind of thing you might lose sleep over.

Scientists Discover Unexpected Side Effect to Cleaning Up Urban Air (ENN; December 19, 2017)

An imbalance between the trends in two common air pollutants is unexpectedly triggering the creation of a class of airborne organic compounds not usually found in the atmosphere over urban areas of North America, according to a new study from Caltech.

EPA cuts could risk a public health emergency (CNN; December 18, 2017)

With time running out for Congress to reach an agreement on the budget, lawmakers are advancing a quiet but crippling assault on the Environmental Protection Agency (EPA), which has already suffered years of hollowing out from budget cuts.

CPP Replacement Plan Launches Debate On State Flexibility, NSR Overhaul (INSIDE EPA; December 19, 2017)

EPA's advance notice of proposed rulemaking (ANPRM) seeking input on a narrow replacement for the Obama-era Clean Power Plan (CPP) tees up discussion of a rule limiting greenhouse gas cuts to those obtainable from plant efficiency improvements, while suggesting the agency might give states maximum flexibility to limit requirements, including whether any federal standards are "binding."

Full Articles

Region 2 News

WALL STREET JOURNAL

Gov. Cuomo seeks to derail Adirondack rail car storage plan

By the Associated Press

December 19, 2017

Gov. Andrew Cuomo is asking a federal agency to stop a railroad company from mothballing unused rail cars in the Adirondack Park.

The Democrat announced Tuesday that the Department of Environmental Conservation is filing a petition to the Surface Transportation Board seeking to stop Saratoga and North Creek Railway from leasing its tracks for storage of unused rail cars.

Ed Ellis, president of Chicago-based Iowa Pacific Holdings, parent company of the railway, didn't immediately respond to a request for comment Tuesday.

The railroad purchased the 30-mile line from North Creek to Tahawus in the High Peaks with plans to start freight service five years ago, but that never materialized. Now it's seeking to make money by leasing the tracks for storing hundreds of rail cars.

BISNOW

Knotel Planning Ground-Up Gowanus Development, Hits 600K SF Milestone

By Matthew Rothstein

December 18, 2017

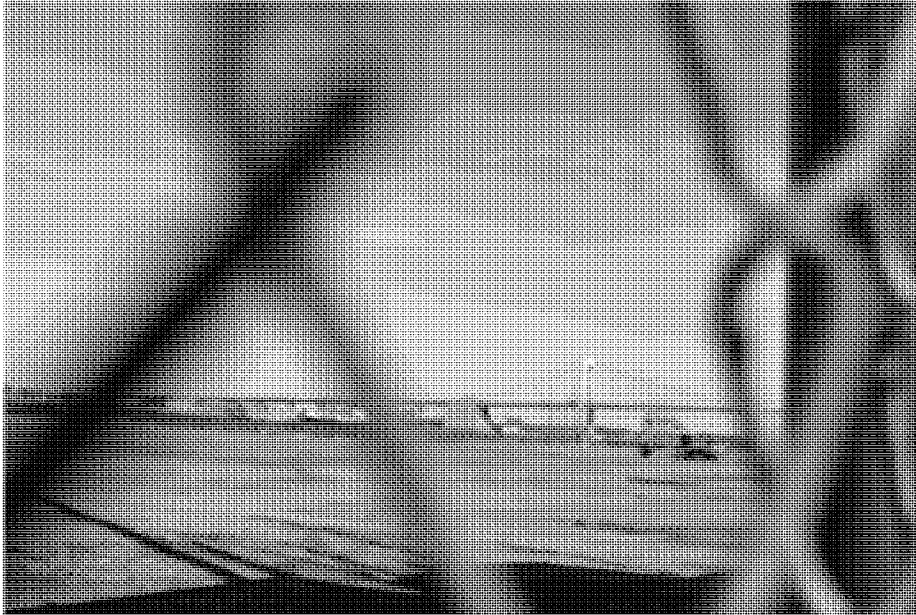
On-demand headquarters provider Knotel has cracked 600K SF of new or planned space in the U.S. in 2017 with an entirely new sort of deal for the company.

Knotel on Monday announced plans to develop and co-own a mixed-use property at 473 President St. in Gowanus, a block and a half from the Gowanus Canal, which is in the midst of an EPA-led cleanup for its notorious pollution. Knotel's development partner chose not to be named. The project will include office space, which Knotel will occupy in its entirety, as well as retail, a community facility and parking. The total project is expected to be between 150K and 300K SF, and although plans have yet to be finalized, Knotel expects to deliver the building by 2019. "Gowanus is an up-and-coming office market that is becoming a commercial destination for entrepreneurs and startups," Knotel CEO Amol Sarva said in a statement. "We're looking forward to being part of a larger push to develop the neighborhood into a desirable destination for a community of thriving companies." Though the 1M SF mark Knotel hoped to reach by the end of the year appears unattainable, the company still hopes to hit the number in short order. It reached 500K SF in November, soon after announcing plans for its flagship location in Union Square and accusing WeWork of corporate espionage. Knotel and WeWork are among the most aggressive movers in New York's co-working and flexible office space market, but The Yard beat both of them to Gowanus in 2016. WeWork has yet to enter the neighborhood.

Community demands developers complete original cleanup agreement at Waterpointe site in Whitestone

By Suzanne Monteverdi

December 19, 2017



Recent developments in the cleanup plans of a controversial Whitestone residential site have certain community members crying foul.

The 18-acre site at 151-45 Sixth Road called Waterpointe, which was formerly an industrial zone, has been a topic of concern in the neighborhood for over a decade. Edgestone Group LLC, the site's current owner, is working to remediate the site — which is covered with toxic soil — under the oversight of the state's Department of Environmental Conservation (DEC) through the voluntary Brownfield Cleanup Program.

Edgestone purchased the land in 2012 for \$11 million and originally sought to build 97 two-family townhouse homes and nine additional single-family houses at the site. However, the developers changed their plans to 52 single-family homes after protests from the community.

At Community Board 7's general meeting on Dec. 18, Environmental Committee Chairperson James Cervino outlined the board's concerns after the state Department of Environmental Conservation's (DEC) latest updates on the project.

In September, the state agency announced that it had modified the cleanup agreement with developers. After an inspection, DEC determined the site was slated to achieve a "Track 4 restricted residential cleanup" instead of the initially agreed upon a more intensive "Track 2 residential cleanup."

After the recent inspection, the DEC told board member Joe Sweeney that, "out of an abundance of caution," it gave the developer a choice: remove a large amount of the toxic fill or install a cover over the contamination, then top that with 2 feet of fresh soil. Developers chose the latter — which the DEC considers to be a Track 4 cleanup.

In November, Whitestone residents and state Senator Tony Avella met at the site for a press conference, claiming the community was "kept in the dark" about the development in the project.

The site was originally purchased for \$25 million in 2005 by developer Bayrock Group, who later went bankrupt after they were fined by DEC for transporting toxic soil into the already contaminated site. The Track 4 designation, Cervino said, means the developer has recontaminated the site once again.

"The question is, what happened here?" he said.

The DEC also informed Sweeney that Edgestone is slated to get its certificate of completion for the remediation work by the end of the month.

In response, Sweeney proposed involving the office of the New York State Inspector General.

"I think at this point, if they're going to issue the certificate of completion in contrary to what the original Brownfield condition said ... I should think that maybe we should ask the Inspector General of the state of New York to do an investigation on this," Sweeney said. "They did not fulfill the requirements to the community and they did not protect the site's conservation."

Board 7 Chairperson Gene Kelty said Sweeney should draft a letter to request such an action.

"I know why they want to sign off on this in 2017: because [Edgestone] loses all the tax benefits from the program," Sweeney said. "But I don't care ... There's going to be people living here some day at this site."

The board will send letters to state Senator Tony Avella and Assemblyman Edward Braunstein to ask them to hold up the process in Albany, Kelty said.

"[The state electeds] are the ones who should be insisting on having an instantaneous meeting," he said. "We have to get the state people to say, 'Look, you have to do something.'"

"I think we've been talking and talking while the clock has been ticking away," board member Selma Moses said.

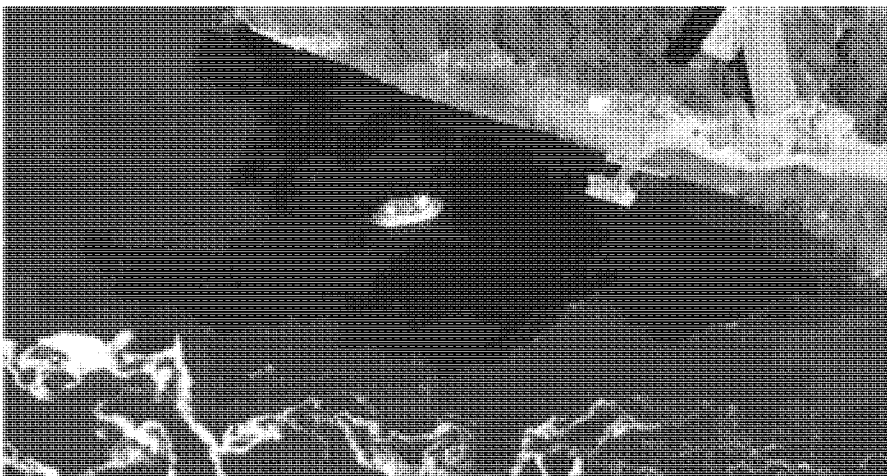
QNS reached out to DEC for comment and is awaiting a response.

BUFFALO NEWS

\$20 million in aid earmarked to prevent Niagara Falls sewage discharges

By Thomas J. Prohaska

December 19, 2017



Niagara Falls' wastewater treatment plant, which malfunctioned spectacularly this summer in an incident that brought the city worldwide derision, is being earmarked for special aid from Albany.

Lt. Gov. Kathy Hochul announced Tuesday that Gov. Andrew M. Cuomo will ask the State Legislature for \$20 million for what she described as the first phase of improvements at the sewer plant.

The proposal is to be included in the State of the State address, which Cuomo will make next month.

"It feels like Christmas today," Niagara Falls Water Board Chairman Daniel T. O'Callaghan said at the news conference in the Niagara Gorge Discovery Center.

Environmental Conservation Commissioner Basil Seggos told reporters that the state has \$500,000 on hand now to pay for two engineering studies on the plant, which would determine exactly what can be done with the \$20 million.

Though the long-term goal is to convert the plant from its current carbon-based treatment system to a biological system, officials said work can be done in the short term to prevent excessive discharges from the plant.

The Department of Environmental Conservation and the Water Board, which operates the city's water and sewer systems, signed a consent order Tuesday in response to the July 29 "black water" incident.

A video of the discharge of smelly carbon-colored water from the main sewer outflow beside the Maid of the Mist dock went viral and led to a \$50,000 fine against the Water Board.

The Water Board also has absorbed criticism from the DEC for excessive discharges of untreated storm sewage after heavy rains, though these are common in communities that combine storm and sanitary sewage in the same mains.

Seggos said the consent order requires a wet-weather operations plan that would reduce those combined sewer overflows; installation of a permanent monitoring system at the sewer plant; permanent, ongoing staff training; and a plan to reduce sludge buildup that contributed to the "black water" incident.

There actually will be two engineering studies, one due in nine months and the other in 15 months. O'Callaghan said the studies will point the way to what needs to be done to improve the plant.

"This is just phase one. After phase one, we'll see what we go from there," he said.

"It's too early to tell how expensive it's going to be," Seggos said.

The DEC chief said his staff's investigation of the July 29 incident showed "certainly some operator error, but also a very antiquated system."

"No matter what we do operationally, what is needed are some long-term upgrades," Hochul said. "To protect our beautiful falls and the Niagara River from future episodes of black water, New York State is stepping in to make sure these findings are acted on."

Seggos said the 40-year-old plant was built with a carbon sewage treatment system because local officials believed at the time that it would be the most effective way of treating liquid discharged from chemical plants. But Niagara Falls has less of that type of industry than it once did.

Seggos said there are only three carbon-treatment wastewater plants left in the state.

"Marrying our enforcement strategy also with funding, that's really the way that we're going to get out of this infrastructure mess that our predecessors have left us with," Seggos said.

Hochul said the July 29 discharge was "a great source of distress and frustration for everyone who lives here. How could this happen? And this preventable incident was made worse by deteriorating infrastructure."

"The long-term goal here is to fix the problem," Seggos said. "That may involve having to re-engineer the plant. It may involve certain parts of the plant being taken off-line completely and rebuilt from scratch. It is an outdated plant."

Seggos said the \$20 million would be a grant to the Water Board, but future phases of the work could include zero-interest loans from the state Environmental Facilities Corp. and the possibility that Niagara Falls ratepayers would pay more.

"We are going to keep this entire investment as palatable as possible for the ratepayers in the area, which is why the governor stepped up with the \$20 million, to keep that figure as low as possible. This is a hardship community in some

ways, but it's also a community that has a tremendous amount to gain economically," Seggos said. "I would imagine that a combination of the two, grants and low-interest loans, would get the Water Board where they need to be."

Seggos said part of the study will include assessing whether the Falls Street Tunnel, the main sewer outfall near the Maid of the Mist dock and above the water line, can be moved.

"There are great responsibilities that come with being one of the icons of the natural environment," Niagara Falls Mayor Paul A. Dyster said. "We found out back in July that a whole lot of people around this globe are very concerned about environmental conditions here at Niagara Falls. That means there's a spotlight showing on our efforts here."

LONG ISLAND BUSINESS NEWS

Eastern Long Island shoppers facing 5-cents plastic bag fee

By the Associated Press

December 19, 2017



Shoppers on eastern Long Island will soon be charged a fee for using plastic bags.

According to published reports, Suffolk County's new plastic bag law takes effect Jan. 1. Under the law, shoppers will be charged five cents for each single-use bag.

County Legislator William Spencer says the initiative is an important step that will help curb pollution. Plastic bags can harm wildlife and cause clogging in drains.

Environmental advocates have praised the law.

Some local merchants say they were unaware of the change and worry shoppers will complain. Spencer says shoppers can bring their own bags to avoid the fee.

New York City officials proposed a plastic bag fee but Democratic Gov. Andrew Cuomo blocked it.

NEWSDAY

Gov. Andrew Cuomo vetoes bill expanding pine barrens area

The measure would have expanded the core designation to more than 1,000 acres in Shoreham and Mastic.

By Yancey Roy and Mark Harrington

December 19, 2017



A move to expand Long Island's pine barrens area, including this spot near the shuttered Shoreham nuclear power plant, was scuttled by the governor.

Gov. Andrew M. Cuomo has vetoed a bill that would have expanded Long Island's pine barrens area, citing the lack of public hearings and the potential to block a solar-energy proposal in Suffolk County.

"I am dedicated to preserving the Long Island pine barrens and other open space on Long Island. However, this bill, which passed without any public hearings or notice to the landowners, is not the appropriate avenue to accomplish that worthy goal," the governor said in a veto message released Tuesday. "It unnecessarily pits land preservation against renewable energy, both of which are necessary to preserve the state's environment and natural resources for future generations."

The measure, approved by the State Legislature in June, would have expanded the core pine barrens designation to more than 1,000 acres in Shoreham and Mastic in Suffolk County. It would have shielded those lands from development.

But it also would have scuttled an energy company's proposal to use some of the acreage to install thousands of solar panels to supply the state's energy grid.

Cuomo said his administration sought to negotiate an amendment for the bill that included "taking tracts of land out of the bill, adding land elsewhere, swapping land with the private land owners" and other options. But talks failed.

"Unfortunately, a negotiated resolution proved unworkable," the governor said. He added that his staff will continue talks with local groups and lawmakers to find a middle ground.

Assemb. Steve Englebright (D-Setauket), one of the primary sponsors of the bill, vowed that lawmakers would take another stab at expanding the pine barrens in a new bill in 2018.

"It's really disappointing," Englebright said of Cuomo's veto, "but we plan on revisiting this issue."

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"Up until late yesterday, there were extensive negotiations between the Town of Brookhaven, the developer of the Mastic Pine Barrens (or woods property), the governor's office and the Legislature," added Sen. Kenneth LaValle (R-Port

Jefferson), the other primary sponsor, who also decried the veto. "These lands are particularly critical for the ecology of the Forge River. Destroying the forest and the trees to install solar power just does not make sense at either the Mastic Woods or Shoreham Old Growth Coastal Forest properties."

Environmental groups that supported the bill said the Town of Brookhaven had offered to swap 75 acres so that Middle Island Solar, the company looking to build an array of solar panels in Suffolk County, could build on a new site while allowing the pine barrens expansion. The Long Island Pine Barrens Society and more than a dozen environmental and civic groups wrote to Cuomo asking him to sign the bill.

Richard Amper, executive director of the Pine Barrens Society, said he was "shocked and dismayed" by the veto.

In contrast, the New York League of Conservation Voters applauded the veto.

"Preservation and renewable energy should not be pitted against each other and we were greatly concerned by legislation that would have done just that," NYCLV President Marcia Bystryn said.

NEWSDAY

Project aims to help alewife bypass Nissequogue River dam

By Nicholas Spangler

December 19, 2017



Conservationists will begin engineering studies next year for a fish passage on the Nissequogue River intended to help tens of thousands of ocean-run alewife bypass a dam built in Colonial times, returning to their inland spawning grounds for the first time in three centuries.

The speedy, iridescent alewife, a type of herring, feeds predators ranging from ocean mammals and birds to the trout that were once abundant in Smithtown's waters. But researchers began observing drastic declines in river herring populations starting in the 1990s nationwide due to overfishing, habitat degradation and dams like the ones that block almost every river on Long Island. The National Marine Fisheries Services listed the fish as a "species of concern" in 2006. Its experts are now deciding if alewife and another type of river herring should be listed as endangered or threatened.

Work on the Nissequogue River, which is one of the North Shore's largest and extends to Hauppauge, would take place near the north end of Phillips Millpond. It would restore access to spawning grounds as far inland as Stump Pond in Blydenburgh Park, roughly 6 miles from the Long Island Sound.

The monthslong \$209,000 planning phase of the project will be funded by grants from New York State Department of Environmental Conservation and the Long Island Sound Futures Fund. The Connecticut Fund for the Environment's Save the Sound project will oversee the work.

"This is a unique opportunity on the Nissequogue," said Gwen Macdonald, the Connecticut Fund's director of habitat restoration. "You're making this permanent change in one specific location that impacts species of fish that travel all the way out to the Atlantic Ocean."

The passage will help fish overcome rushing water and a roughly 6-foot change in elevation at the dam's spillway. Design of the passage hasn't been determined yet, Macdonald said, but similar projects have involved building a series of pools allowing the fish to bypass the dam, or installation of a prefabricated metal chute like the one in place at Argyle Lake in Babylon Village.

The total alewife run on Long Island probably averages 150,000 fish, according to the DEC. The runs at the Peconic River and Alewife Creek in Southampton account for about 50,000 fish each, with runs in streams on the North and South shores and Peconic Bay accounting for the remainder. The count on the Nissequogue is unknown, though researchers know from video footage that the alewife is present.

Long Island waterways, like those in most of the settled Northeast, are dotted with dams or remnants of dams used for milling lumber and grain — Phillips was used for both — or flood control. A structure as short as a foot can block the alewife. "They don't really jump like salmon do," said Victoria O'Neill, the DEC's Long Island Sound habitat restoration coordinator.

What the alewife lacks in athleticism it makes up for in determination, O'Neill said. It matters little that no alewife has made the passage in centuries. "If you give them a way to do it, they will get over the dam."

Since 2008, according to the DEC, 13 fish passages have been built on Long Island.

Brad Harris, Smithtown's historian, said that he was eager to see a return of the alewife, which supported a food web rich into the 20th century with trout, bass, perch and the like. He described a fisherman's heaven that fed locals and drew wealthy Manhattanites.

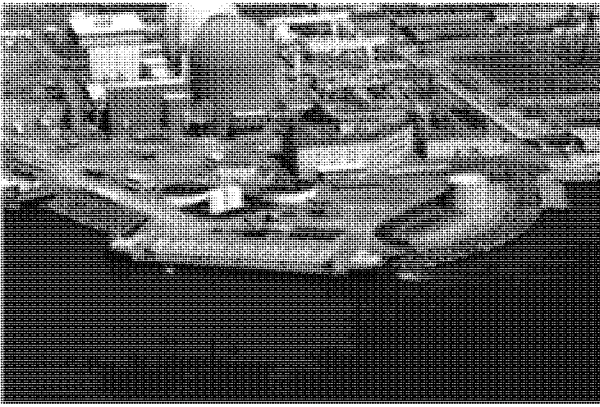
"I hope it works," he said of the fish passage. "I'd like to see the waters in Smithtown returned to a sportsman's paradise."

NJ SPOTLIGHT

On Closer Look, PSEG Nuclear Subsidy Bill Outrages Opponents

By Tom Johnson

December 19, 2017



With a weekend to digest a bill to prop up New Jersey nuclear plants, foes were left fuming with many objections and one key question: how did advocates come up with the surcharge on customers' bills?

The levy appears tiny (\$0.004 per kilowatt hour), but has huge implications for ratepayers. It could provide anywhere from \$300 million to \$350 million a year to Public Service Enterprise Group, or at least \$1.2 billion in subsidies over an initial four-year period.

"Was that number plucked out of thin air?" asked Ev Liebman, associate director of AARP of New Jersey. "We don't know where that number comes from and there is no justification for it in the bill."

The legislation (S03560), introduced late Thursday evening after a long year of intense lobbying by PSEG, is up for a vote in two legislative committees tomorrow. Unless it obtains financial help for its nuclear units in South Jersey, the company says it will shutter them.

Secret surcharge

The surcharge provision, tucked into a single paragraph in an eight-page bill, reflects a rare legislative intrusion into setting prices in a competitive energy market the state joined nearly two decades ago. Handing out subsidies to a big player in that market is a step that rankles rivals in the energy sector and the customers who will foot the bill.

"It sounds small, but for some of my members it could run \$400,000 a year," said Dennis Hart, executive director of the Chemistry Industry Council of New Jersey. "If they have more than one location, it's a lot more."

For a typical residential customer, the cost amounts to about \$31 a year, according to PSEG.

PSEG's top executive has repeatedly warned that closing the plants will end up costing consumers more — \$400 million a year according to economic analyses by a pair of consultants.

Still making money

Yet the company concedes the plants are still profitable, and will remain so for two years, as critics point out. "They may end up getting subsidies when they are profitable," noted Steven Goldenberg, an attorney representing large energy users who will be hit hard by the proposed subsidies.

Some of his members will be paying a half-million dollars more for energy a year; two will pay up to a million dollars, Goldenberg claimed. "If you don't think that influences corporate decisions about investment and whether to locate to another state, then I have a bridge to sell you," he said.

When asked how the value of \$0.004 was arrived at, PSEG said that is what the sponsors put on the value of preserving nuclear. Two consultants found nuclear is worth five to six times that amount when environmental, resiliency, and economic benefits are considered, according to Michael Jennings, a PSEG spokesman.

Opponents, however, speculated that PSEG always was intent on obtaining some \$300 million annually in subsidies so came up with that number by dividing that number into total retail sales of electricity yearly in New Jersey. The company said it employed energy years 2011-2016, using Energy Information Administration data.

Sen. Bob Smith, a Democrat sponsor of the bill who is expected to steer it through the lame-duck session, did not return a call yesterday to his office. Senate President Stephen Sweeney is the other sponsor.

Too much power for BPU?

Beyond the cost, opponents also are worried about the prospect that the bill gives the state Board of Public Utilities responsibility to decide whether a company deserves the proposed subsidy. They also question why the bill fails to set what is an acceptable earnings level for a company seeking a subsidy.

"We question whether the BPU, established to regulate prices in a utility market, has the capacity, expertise, and wherewithal to evaluate prices and finances in the private sector," Liebman said.

Others, including Division of Rate Counsel Stefanie Brand, question how the public will know whether the subsidies are justified — given that the bill provides confidentiality to financial information the company submits to the BPU.

Finally, some foes say it is not even clear if the bill prevents out-of-state nuclear plants to qualify for the subsidy.

PJM Interconnection, the operator of the regional power grid, once again expressed concerns about the proposed bill, disputing some of PSEG's arguments about why it is necessary.

"PJM sees no evidence to indicate out-of-market payments to New Jersey generation resources are required to further reliability or fuel-security interests," the organization said in a statement.

PSEG's Jennings replied that PJM "has been discussing solutions to these issues for years and have done nothing to correct the market imperfections."

National News

NEW YORK TIMES

E.P.A. Delays Bans on Uses of Hazardous Chemicals

By Sheila Kaplan

December 19, 2017

The Environmental Protection Agency will indefinitely postpone bans on certain uses of three toxic chemicals found in consumer products, according to an update of the Trump administration's regulatory plans.

Critics said the reversal demonstrated the agency's increasing reluctance to use enforcement powers granted to it last year by Congress under the Toxic Substances Control Act.

E.P.A. Administrator Scott Pruitt is "blatantly ignoring Congress's clear directive to the agency to better protect the health and safety of millions of Americans by more effectively regulating some of the most dangerous chemicals known to man," said Senator Tom Carper, Democrat of Delaware and the ranking minority member on the Senate Environment and Public Works committee.

The E.P.A. declined to comment. In a news release earlier this month, the agency wrote that its "commonsense, balanced approach carefully protects both public health and the environment while curbing unnecessary regulatory burdens that stifle economic growth for communities across the country."

Agency officials dropped prohibitions against certain uses of two chemicals from the administration's Unified Agenda of Regulatory and Deregulatory Actions, which details short- and long-term plans of the federal agencies. The third ban was dropped in the spring edition of that report.

The proposed bans targeted methylene chloride and N-methylpyrrolidone (NMP), ingredients in paint strippers, and trichloroethylene (TCE), used as a spot cleaner in dry-cleaning and as a degreasing agent.

Under an overhaul of the Toxic Substances Control Act last year, the E.P.A. initially is reviewing the risks of ten chemicals, including other uses of these three. The updated law is known as the Frank R. Lautenberg Chemical Safety for the 21st Century Act, named after the late New Jersey senator who had long championed an overhaul of the loophole-ridden toxic substances law.

The revised law had strong bipartisan support. The Senate passed the measure on a voice vote; the House approved it 403 to 12. The intention was to give the E.P.A. the authority necessary to require new testing and regulation of thousands of chemicals used in everyday products, from laundry detergents to hardware supplies.



E.P.A. Administrator Scott Pruitt testifying before a House committee earlier this month. The E.P.A. has declined to pursue bans on certain uses of three toxic chemicals. CreditPete Marovich/Getty Images

In a compromise that disappointed some environmental advocates, the law required the E.P.A. to examine about 20 chemicals at a time, for no longer than seven years per chemical. But the law expressly allowed for faster action on high-risk uses of methylene chloride, NMP and TCE.

Public health experts had been pushing for faster review of methylene chloride-based paint strippers after several deaths from inhalation, among them a 21-year-old who died recently after stripping a bathtub.

It has been several years since the E.P.A. first declared these applications of the three chemicals to be dangerous. The agency itself has found TCE “carcinogenic to humans by all routes of exposure” and has reported that it causes developmental and reproductive damage.

“Potential health concerns from exposure to trichloroethylene, based on limited epidemiological data and evidence from animal studies, include decreased fetal growth and birth defects, particularly cardiac birth defects,” agency officials noted in 2013.

Methylene chloride is toxic to the brain and liver, and NMP can harm the reproductive system.

Michael Dourson, President Trump’s nominee to oversee the E.P.A.’s chemical safety branch, in 2010 represented the Halogenated Solvents Industry Alliance before the E.P.A., which was considering restrictions on TCE.

Mr. Dourson, who withdrew his name from consideration last week, had been working as an E.P.A. adviser while awaiting confirmation. The agency did not respond to a query about whether Mr. Dourson had been involved in the evaluation of TCE.

The E.P.A. now describes the enforcement actions regarding TCE, methylene chloride and NMP as “long-term actions” without a set deadline.

“The delays are very disturbing,” said Dr. Richard Denison, lead senior scientist of the Environmental Defense Fund. “This latest agenda shows that instead of using their expanded authorities under this new law, the E.P.A. is shoving health protections from highly toxic chemicals to the very back of the back burner.”

Representative Frank Pallone, Democrat of New Jersey and the ranking minority member of the House Energy and Commerce committee, agreed, saying, “These indefinite delays are unnecessary and dangerous.”

“The harmful impacts of these chemicals are avoidable, and E.P.A. should finalize the proposed rules as soon as possible,” he added.

NEW YORK TIMES

Consulting Firm Whose Staff Scoured E.P.A. Employees' Emails Loses Media Contract

By Eric Lipton and Lisa Friedman

December 19, 2017

WASHINGTON — A consulting firm has pulled out of a federal contract to provide media monitoring services to the Environmental Protection Agency after it was disclosed that a lawyer among its top executives had been investigating agency employees critical of the Trump administration.

Joe Pounder, the president of Definers Public Affairs, said in a statement on Twitter that his company’s \$120,000 contract with the E.P.A., which it was awarded this month, had become a “distraction.”

The contract came under scrutiny because of the company’s links to America Rising, a Virginia-based corporation and Republican political operation with several offshoots that have investigated E.P.A. officials. One lawyer on the company’s staff, Allan Blutstein, sent a series of Freedom of Information Act requests to the E.P.A. asking for email correspondence by employees who had been publicly critical of the Trump administration’s management of the agency.

America Rising and its affiliates also separately deployed “trackers” to videotape climate change activists and produced news releases and videos favorable to Scott Pruitt, the administrator of the E.P.A.

Definers Public Affairs, a corporate entity, shares multiple top executives with America Rising, including Mr. Pounder. Both he and E.P.A. officials said the contract was solely to monitor and collect news articles and videos that appear about the agency. E.P.A. officials said a need for compiling those news reports was not being met sufficiently by its previous vendor.

But agency employees — particularly those who had been targeted by America Rising after they raised questions about the management of Mr. Trump’s E.P.A. — said they were fearful the new contract might translate into increased surveillance of agency staff.

E.P.A. officials and Mr. Pounder disputed that suggestion.

“Definers offered E.P.A. a better and more efficient news clipping service that would give E.P.A.’s employees real-time news at a lower cost than what previous administrations paid for more antiquated clipping services,” Mr. Pounder said. “But it’s become clear this will become a distraction. As a result, Definers and the E.P.A. have decided to forgo the contract.”

Mr. Pounder also said on Twitter that other government agencies had expressed interest in his company’s services, but said his firm would no longer work with the federal government.

Contract documents show that Definers — which on its website lists its founder, president and top partner — applied to the E.P.A. as a “disadvantaged business,” a status that can give a bidder preference as it pursues a federal contract.

Asked about this filing, Mr. Pounder said that it was a computer error, and that the company recently corrected its status in the federal contracting system to make clear that it was not a “disadvantaged business.”

An E.P.A. spokesman said that Definers did not receive any benefit as a result of the original disadvantaged status claim.

The move to drop the contract came after a liberal nonprofit group, Public Citizen, filed a formal protest late Monday with the Government Accountability Office saying that Definers had illegally been granted the deal. Public Citizen cited contract records indicating that no other bidders had been considered. The protest was filed on behalf of two other companies that offer similar services to the ones that Definers had been hired to deliver.

“Federal law establishes that full and open competition is the standard means for contracting,” the protest letter said.

Jahan Wilcox, an E.P.A. spokesman, declined to say why the agency had listed the contract as a sole-source notification, with Definers as the intended recipient.

He noted that the agency publicly announced the no-bid contract on federal websites, as is required, so that other vendors could have the opportunity to apply. One other company responded, E.P.A. officials said, and Definers was chosen for the job. Mr. Wilcox did not identify the other company.

“How we consume the news has changed, and we hope to find a vendor that can provide us with real-time news clips at a rate that is cheaper than our previous vendor,” he said.

Separately, Senator Sheldon Whitehouse, Democrat of Rhode Island, sent a letter on Tuesday to Mr. Pruitt, urging him to move on his own to cancel the contract.

Mr. Whitehouse said that America Rising Squared, a dark-money, nonprofit partner of Definers, set up a website this year pushing the Senate to confirm Mr. Pruitt. He said the firm also has conducted an elaborate surveillance operation tracking climate activists critical of the Trump administration, including Tom Steyer, the liberal billionaire donor, and sought to gather emails of E.P.A. employees who questioned Mr. Pruitt’s actions and policy.

“E.P.A.’s contract with Definers risks further politicizing the agency and is another instance of E.P.A. under your tenure becoming captured by the industry it regulates,” Mr. Whitehouse wrote, citing reporting by The New York Times and Mother Jones, which was the first to disclose the contract award. “At a minimum, it presents an appearance of impropriety to which you as administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.”

Statements by Mr. Pounder that America Rising and Definers are separate entities were simply false, Mr. Whitehouse said in his letter.

“These organizations may have different corporate forms, but we should all be clear that they are merely different parts of the same multifaceted partisan operation,” Mr. Whitehouse wrote. “Any claim they are distinct is a sham.”

Joe Wagner, the managing director of the Washington office of Fenton, a public relations firm that identifies itself as supporting social change and was a party to the protest filed by Public Citizen, said he was glad the contract award had been terminated.

“They should put it out to bid,” he said. “That is standard practice.”

EPA chief sweeps office for bugs, installs high-tech locks

by Associated Press

December 19, 2017

WASHINGTON — The head of the Environmental Protection Agency used public money to have his office swept for hidden listening devices and bought sophisticated biometric locks for additional security.

The spending items, totaling nearly \$9,000, are among a string of increased counter-surveillance precautions taken by EPA Administrator Scott Pruitt, who also requires around-the-clock protection by an armed security team. The EPA's Office of Inspector General is already investigating Pruitt's \$25,000 purchase of a custom-made soundproof privacy booth for his office to deter eavesdropping on his phone calls.

An accounting of Pruitt's spending for the bug sweep and pricey locks was provided to The Associated Press by an EPA employee who spoke on condition of anonymity, citing concerns of retaliation.

EPA spokesman Jahan Wilcox defended the spending.

"Administrator Pruitt has received an unprecedented amount of threats against him and while The Associated Press attempts to trivialize his safety, there is nothing nefarious about security decisions made by EPA's Protective Service Detail," Wilcox said Monday.

EPA's headquarters in Washington is a secure building, with armed guards posted at the entrances and metal detectors and X-ray machines for scanning visitors and their bags.

EPA paid \$3,000 in April to Edwin Steinmetz Associates to conduct the bug sweep. The purchase of the biometric locks, which typically work by electronically scanning a person's fingerprint, was spread over two transactions earlier this year of \$3,390 and \$2,495.

Expenses under \$3,500 are not typically listed on a federal contracting website that provides public disclosure of government spending.

EPA employees don't typically deal with government secrets, though the agency does occasionally receive, handle and store classified material because of its homeland security, emergency response and continuity missions.

In an interview last week, security contractor Ed Steinmetz declined to comment on his work for specific clients, citing non-disclosure agreements. He confirmed, however, that \$3,000 is his standard rate for a one-day job.

Steinmetz said he specializes in using sophisticated detectors to scan for tiny listening devices hidden in furniture or walls, as well as in other electronic devices such as computer mice or phone chargers. He can also run checks to see if a phone line is tapped.

"I can't confirm or deny EPA," said Steinmetz, a former police officer who said he has worked as a contractor for about 15 federal agencies. "However, that would be an agency that if you have confidential information being discussed that could negatively impact their operation, they would want to know about it."

Wilcox said that under the Obama administration, then-EPA Administrator Lisa Jackson also had her office swept for listening devices. Wilcox declined to provide the specific details of that spending, including the year and amount.

Asked about the special phone booth in his office during a congressional oversight hearing earlier this month, Pruitt said the purchase was justified because he needs a secure phone line in his office to communicate with officials at the White House, located just a few blocks away.

None of Pruitt's predecessors installed a similar phone setup.

PFAS Health Study Required By Congress May Lift Threat Of Superfund Suit

By Suzanne Yohannan

December 19, 2017

Defense legislation signed into law by President Donald Trump Dec. 12 will authorize at least \$7 million for a federal study on the human health impacts stemming from perfluorinated chemicals in drinking water near military facilities, potentially lifting the threat of a suit to force a Superfund study and bolster efforts to require strict cleanups.

Rob Bilott -- an attorney who has long pushed EPA to address the threat of drinking water contaminated with per- and polyfluoroalkyl substances (PFAS) -- sent a Dec. 13 letter to federal health agencies asking whether, given the funding authorization, the agencies now plan to move forward with studies of health impacts from PFAS or whether he will be forced to sue them to conduct the study.

While "funding historically has been perceived to be an impediment to initiating such work," he points to the newly enacted defense authorization bill, H.R. 2810, which requires the Centers for Disease Control and Prevention (CDC) to conduct a health study on the impact of PFAS, including an exposure assessment, focused on no less than eight current or former military installations where the chemicals have contaminated drinking water.

Bilott in the letter asks the agencies to confirm whether the defense law requirement "means that your Agencies will now move forward immediately with the types of studies we requested (without the need for formal legal action to force such work), and the schedule by which such work will be conducted."

PFAS are a class of emerging contaminants generally known for their non-stick qualities. They were used in a host of consumer and industrial applications and in firefighting foam, contaminating fire-fighting training sites across the country. They have been linked to adverse health effects, including some types of cancer.

The new law authorizes \$7 million for the CDC study but does not include authorization for additional Navy and Air Force funding to remediate PFAS-contaminated sites, which had been included in the Senate version of the bill.

The study is to examine human health implications of PFAS contamination "in drinking water, ground water, and any other sources of water and relevant exposure vectors, including the cumulative human health implications of multiple types of PFAS contamination at levels above and below health advisory levels."

EPA in 2016 set non-binding lifetime health advisory levels for two PFAS -- perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid -- of 70 parts per billion. But the agency has not set enforceable cleanup standards, resulting in states increasingly setting their own standards that are stricter than EPA's recommendations.

As such, any federal study could bolster efforts by Bilott -- an attorney who has represented West Virginia and Ohio residents exposed to PFAS contamination -- and others to press regulators to force cleanups, as well as in potential nuisance suits against companies.

Health Study

In September, Bilott pressed in letters to both EPA and the Agency for Toxic Substances and Disease Registry (ATSDR) for a national study of health impacts from PFAS. He noted that ATSDR has authority under the Superfund law to mandate such a study and has recognized "the feasibility, importance, and need" for the study. He warned that the agency's continuing failure to conduct a study would provide a basis for national class action litigation.

In the Dec. 13 letter, he asks whether the defense act-mandated study will include testing of firefighters and emergency responders, who may have been exposed through firefighting foams that contained PFAS or through gear.

Bilott in the letter indicates he and ATSDR and CDC officials held a conference call Nov. 20 about his overall request. He said as to the firefighter testing, ATSDR on the call indicated it "may have been interpreting the work we were

requesting in this regard to be something that had to be handled and coordinated through” the National Institute for Occupational Safety and Health. He asks the officials to confirm whether that is still ATSDR’s belief, or whether exposures to firefighters and emergency responders will be included in the new study.

The letter is addressed to Patrick Breyse, ATSDR director, and other ATSDR and CDC officials. While ATSDR is an independent agency within the Department of Health and Human Services, the CDC performs many of ATSDR’s administrative functions.

Bilott also says the call and a Nov. 6 letter from Breyse show the agency shares Bilott and his clients’ concerns that this is a significant public health issue and ATSDR has begun discussing the issues with other agencies.

He notes that EPA Dec. 4 announced plan to collaborate with other federal agencies on PFAS exposures, although he adds that “we are unaware of any nationwide studies of the nature we requested being actually initiated by any such federal agencies.”

In the Nov. 6 letter, Breyse says ATSDR and CDC earlier this year initiated a meeting with other federal agencies -- including EPA -- on PFAS to “identify areas of synergy and opportunities for coordination across government agencies.” The collaboration among agencies “allows us to identify expertise, share current research, and identify resources to address our approach to understanding the health impact of PFAS exposure,” he says.

In his Dec. 13 letter, Bilott says he and his clients continue to seek to work with the agencies to participate in the design and implementation of PFAS studies or testing.

He wants the agencies to build on previous science and medical panel work that was done as part of a settlement of legal claims relating to PFOA, and to “expand those models to investigations, studies, and testing for the broader range of PFAS exposures,” his letter says.

Bilott previously represented a class of approximately 70,000 plaintiffs whose drinking water supplies in West Virginia and Ohio had been contaminated with PFOA, also known as C8, from a manufacturing plant then-owned by E.I. Du Pont de Nemours & Company. The settlement led to blood testing of approximately 69,000 people and the creation of an independent science panel to confirm which diseases were linked to PFOA exposure, as well as treatment of the contaminated water and medical monitoring of the class for each disease linked to the chemical.

INSIDE EPA

[EPA Review Could Help Suit Over California's Glyphosate Cancer Finding](#)

By Dave Reynolds

December 19, 2017

EPA is reiterating its conclusion that the world's most commonly-used herbicide, glyphosate, is not likely to cause human cancers, striking a blow to California's recent listing of the substance as a carcinogen under its Proposition 65 warning-label law and potentially aiding a pesticide industry lawsuit challenging the state's listing.

The agency on Dec. 18 posted to its website preliminary human health and ecological risk assessments for glyphosate, supporting the agency's ongoing Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration review of the substance. EPA will publish the drafts in the *Federal Register* in early 2018 and seek public input on the documents for 60 days. EPA plans to issue an interim registration review decision for glyphosate in 2019.

“The draft human health risk assessment concludes that glyphosate is not likely to be carcinogenic to humans,” EPA says in a Dec. 18 statement, adding that the review found no significant human health risks if glyphosate is used according to

label instructions. “The Agency’s scientific findings are consistent with the conclusions of science reviews by a number of other countries as well as the 2017 National Institute of Health Agricultural Health Survey.”

The draft ecological review indicates risks to birds and mammals, as well as to terrestrial and aquatic plants.

Along with the reviews, EPA issued a host of supporting documents, including an update to its September 2016 issue paper where the Obama EPA found glyphosate is not likely to cause human cancers, and a response to a December 2016 FIFRA Scientific Advisory Panel that split on the question of glyphosate's carcinogenicity.

Environmentalists have long pressed EPA for stricter oversight of glyphosate, arguing that heavy use of the substance, particularly since the advent of genetically-modified crops designed to withstand glyphosate in the 1990s, poses significant ecological and human health risks.

But whether glyphosate causes human cancers has been the driving question in EPA's registration review, especially after the World Health Organization's International Agency for Research on Cancer (IARC) in a 2015 monograph concluded that glyphosate probably causes cancer.

The pesticide industry and Republican lawmakers have faulted the IARC finding and pressed EPA to speed its registration review to rebuke the IARC cancer risk finding and allow continued use of the substance.

California's Listing

EPA documents have suggested at least as far back as an Oct. 1, 2015 report, which was released on EPA's website and subsequently withdrawn, that glyphosate is unlikely to cause human cancers. The agency's decision to reiterate those findings in the new documents could help critics of California's Proposition 65 listing in their legal challenge to the state's decision.

Pesticide manufacturer Monsanto Co. and a host of agricultural industry groups and state business organizations Nov. 15 filed a lawsuit in federal court in California seeking to rescind California's listing of glyphosate as a carcinogen under the state's Proposition 65 warning-label law. Plaintiffs charge the listing violates several sections of the U.S. Constitution and could disrupt the nation's food production and processing supply chains.

If the Prop. 65 listing is upheld by the courts, companies would be subject to providing warning requirements for glyphosate in products beginning July 7, 2018.

In the Dec. 12 revised issue paper on glyphosate's potential cancer risk, EPA argues that significant evidence exists to support a conclusion that glyphosate is unlikely to cause human cancers, but notes a shortcoming in epidemiological human health data, precludes a conclusion on a potential risk of non-Hodgkin's lymphoma (NHL).

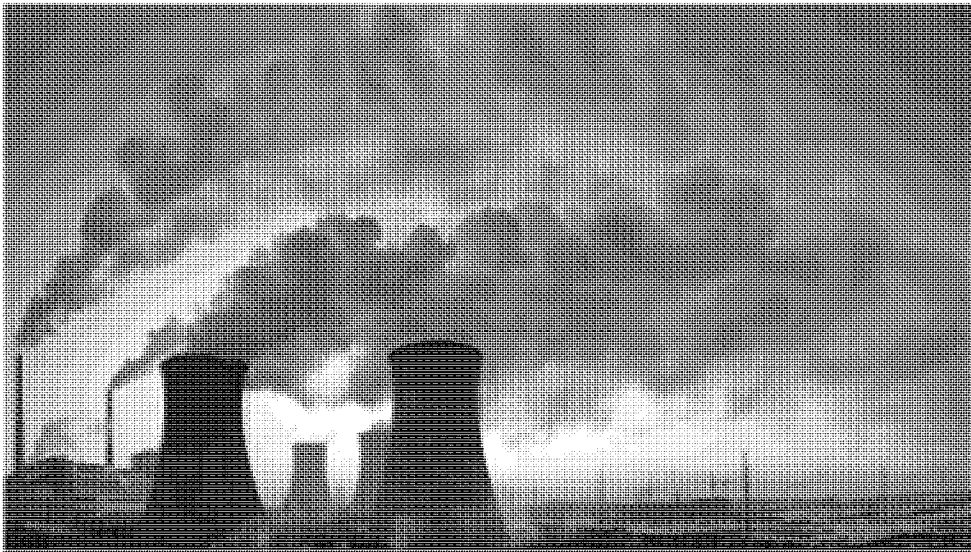
“An extensive database exists for evaluating the carcinogenic potential of glyphosate, including 63 epidemiological studies, 14 animal carcinogenicity studies, and nearly 90 genotoxicity studies for the active ingredient glyphosate,” the issue paper says. “The available data at this time do not support a carcinogenic process for glyphosate.”

The report adds that, “In epidemiological studies, there was no evidence of an association between glyphosate exposure and numerous cancer outcomes; however, due to conflicting results and various limitations identified in studies investigating NHL, a conclusion regarding the association between glyphosate exposure and risk of NHL cannot be determined based on the available data.”

ENVIRONMENTAL LEADER

EPA Formally Ask Stakeholders How to Change the Clean Power Plan

By Ken Silverstein



The Environmental Protection Agency issued a formal proposal on Monday asking stakeholders how they would change the Clean Power Plan that would require industry to reduce CO₂ emissions by 32% by 2030. This is the Trump administration's first official act to find an alternative to that rule that is now held up in the courts.

In October, EPA Administrator Scott Pruitt gave notice that his agency would repeal the Clean Power Plan. A key argument that Pruitt and his supporters are making is that the agency does not have the power to regulate industry "outside the fence" and that it can only do so "inside the fence." That means EPA can demand manufacturers and chemical makers improve their own processes and efficiencies but that it cannot force the wholesale retirement of coal units or have companies trade carbon credits with each other to reduce emissions.

"Today's move ensures adequate and early opportunity for public comment from all stakeholders about next steps the agency might take to limit greenhouse gases from stationary sources, in a way that properly stays within the law, and the bounds of the authority provided to EPA by Congress," Pruitt continued," Pruitt said in a statement.

"The new approach should lower emissions, preserve America's energy advantage, and respect the boundaries of the Clean Air Act," Karen Harbert, president of the Chamber of Commerce's Global Energy Institute, added in a statement.

Right now the Clean Power Plan is caught up in a federal appeals court after the US Supreme Court issued a stay in January 2016. It is thought that the DC Court of Appeals will eventually approve the Obama plan, given that it has done so already. But its ultimate fate is less than certain in the High Court.

Nevertheless, the Supreme Court has already said that the so-called "endangerment finding" is lawful — the ruling that gives the EPA the right to regulate CO₂ as an emission under the Clean Air Act. So it does not seem possible that EPA can just scrap the Clean Power Plan altogether despite Pruitt's use of the word "repeal." But Pruitt and his EPA can try to rewrite it.

Critics of Pruitt say that EPA has a duty to protect the public from harmful emissions. And the Clean Power Plan, as written, gives states several options to comply.

"This is just another 'repeal and replace' scam. Everyone knows President Trump and Scott Pruitt want to gut the Clean Power Plan, taking our best fire truck away from a blazing fire," David Doniger, director of the Climate and Clean Air Program at the Natural Resources Defense Council, said in a statement.

"They should be strengthening, not killing, this commonsense strategy to curb the power plant carbon pollution fueling dangerous climate change. A weaker replacement of the Clean Power Plan is a non-starter. Americans—who depend on EPA to protect their health and climate—deserve real solutions, not scams," he added.

What will be the effect of these moves by the Trump administration on not just corporate America but also on the global community? The short answer is that the both entities are moving forward with carbon-friendly policies, reasoning that markets are demanding action and that planet requires them.

Just yesterday, for instance, Schneider Electric joined RE100 to go 100% renewable by 2030. There are now 118 in all that have made similar pledges, including AB InBev, LEGO and CitiGroup.

RE100 says that 11 of its members have written to EU Energy Ministers to include a target of at least 35% renewable energy by 2030, and support for corporate Power Purchase Agreements. Those contracts allow companies to buy the output from renewable energy developers at fixed prices over a set number of years, which provides certainty to all sides while increasing green energy penetration.

Just yesterday, EU ministers said that they would try to hit 27% by 2030. That is up from 20% by 2020, although short of the 30% mark that those companies had wanted.

Meantime, 225 investors with \$26 trillion in assets under management have combined their financial might under the banner of Climate Action 100+. Their message: Companies that focus on the so-called triple bottom line — economics, environment and social — are outperforming other broader indices and they are also demonstrating that they are living their missions and ingraining their brands among their customers.

Among the companies that they hope to persuade are China Petroleum & Chemical Co., Gazprom and Exxon Mobil Corp., which just yesterday said that it will give its shareholders a sharper look inside of its strategy to fight climate change. Calpers said via a telephone conference that companies are being asked to cut their CO2 emissions by 80% by 2050.

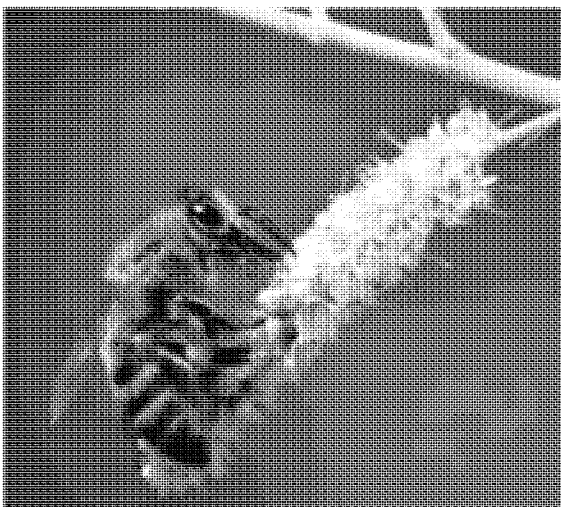
Much of the business community is moving forward with eco-friendly policies, although the pace of their progress varies depending on their corporate missions. That evolution will continue, given that market forces are demanding it and technologies are allowing it. Public policy, ultimately, will follow suit.

ENN

[ASU scientists discover gut bacteria in bees spread antibiotic-resistant genes to each other](#)

From: Arizona State University

December 19, 2017 10:20 AM



It's the kind of thing you might lose sleep over.

How will humans survive serious infections in the future if we're running out of tools today to fight them? Antibiotic resistance among disease-causing bacteria is of global concern, as some last-resort drugs can no longer cure common illnesses such as urinary tract infections.

To make matters worse, researchers from Arizona State University and Norwegian University of Life Sciences have discovered that our very own gut bacteria may be perpetuating the resistance. Scientists uncovered this startling finding while investigating the microbial life in honey bee guts.

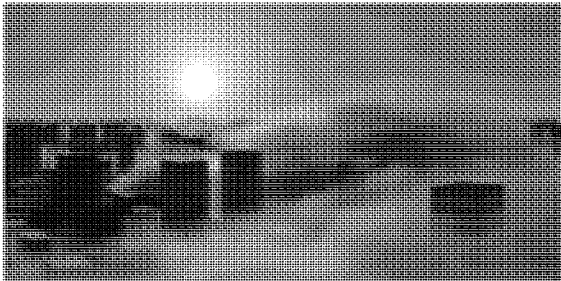
"To our surprise, we found that instead of one gut bacterium acquiring resistance and outcompeting all the other gut bacteria in honey bees, the resistance genes spread in the bacterial community so that all strains of bacteria survived," said Gro Amdam, a professor with ASU School of Life Sciences and co-author of the paper.

ENN

Scientists Discover Unexpected Side Effect to Cleaning Up Urban Air

From: California Institute of Technology

December 19, 2017 08:36 AM



An imbalance between the trends in two common air pollutants is unexpectedly triggering the creation of a class of airborne organic compounds not usually found in the atmosphere over urban areas of North America, according to a new study from Caltech.

For decades, efforts to reduce air pollution have led to cleaner air in U.S cities like Los Angeles, with subsequent improvements in public health. Those efforts have targeted both nitric oxides and hydrocarbons. Nitric oxide is a compound of nitrogen and oxygen emitted from engines (especially those powered by diesel fuel) and from coal power plants. Hydrocarbons, meanwhile, are the family of molecules made from chaining together hydrogen and carbon. These molecules are emitted from many sources including gasoline-powered cars, trucks, solvents, cleaners used both at home and in industrial settings, and even trees.

One way researchers track the changing rates of nitric oxide emissions and hydrocarbon emissions is by examining the ratio of the levels of non-methane atmospheric hydrocarbons to those of nitric oxide (methane, a powerful greenhouse gas, is tracked separately). From 1987 and 1997, that ratio dropped by a factor of two.

CNN

EPA cuts could risk a public health emergency

By Fred Krupp

December 18, 2017



Editor's Note: Fred Krupp is president of the Environmental Defense Fund, a non-profit organization. The opinions expressed in this commentary are his.

With time running out for Congress to reach an agreement on the budget, lawmakers are advancing a quiet but crippling assault on the Environmental Protection Agency (EPA), which has already suffered years of hollowing out from budget cuts. At stake is the EPA's fundamental ability to carry out its most basic public health and environmental missions. Without full funding for the agency, the health of our children, our seniors and our communities are at risk.

President Donald Trump, who pledged as a candidate to reduce EPA down to "little tidbits," asked for around 30% cuts to the agency this spring — deeper than any other agency and enough to cut its funding to 1970s levels in real dollars. The potential real-world result will be more asthma attacks, more heart attacks, and more pollution in our lives. And if all that isn't enough, the administration also wants to cut support for critically needed research into alternative energy sources and innovations to protect the water we drink from physical, chemical, and biological threats.

Congress, which has traditionally provided bipartisan support for environmental safeguards that protect constituents, is falling out of step with public support for a fully capable EPA. In September, the House of Representatives voted to cut the EPA budget by \$528 million in 2018, less radical than Trump's proposal but deeply damaging. And just days before Thanksgiving, the chairman of the Senate Appropriations Committee hustled through cuts of his own, choosing to "release" the chairman's recommendation, without so much as a public hearing.

This kind of secrecy is not surprising when you consider what is being proposed. Remarkably, the Senate proposal would eliminate EPA's Integrated Risk Information System (IRIS) program, which provides foundational assessments of chemical toxicity needed to protect American families. And it would cut "green chemistry" research designed to produce safer chemicals while improving the safety of production and disposal of chemicals.

Congress is also proposing major cuts to EPA's enforcement budget, making it harder to hold polluters accountable when they use hazardous pesticides inside nursing homes, release dangerous chemicals into the air, dump oil and hazardous waste into the ocean and sludge into storm drains. The EPA already has about 50 fewer criminal investigators than the 200 required by law. Further cuts would send the wrong message to polluters who flout the law—and be a slap in the face to the majority of businesses who work hard to deal properly with hazardous materials.



Also on the chopping block are critical clean-air programs, like pollution monitoring, that have helped states and communities make historic strides in fighting air pollution. Congress would also cut support for monitoring of greenhouse gases, harmful particulates, and other pollutants.

The White House, House and Senate budget cuts all would require EPA to continue to lay off public health experts, environmental engineers, scientists, and other vital staff members. They would also slash the agency's science and technology work, which helps states and localities fight and clean up pollution. They would even cut support for environmental justice efforts that help the country's most disadvantaged communities whose children are at a disproportionate risk of health problems like asthma, lead poisoning, and other serious ailments.

As William Ruckelshaus, EPA's administrator under Presidents Nixon and Reagan, put it, in response to Scott Pruitt's secrecy in managing the agency under Trump, "It appears that what is happening now is taking a meat ax to the protections of public health and environment and then hiding it."

In addition to worrying about our children's health, members of Congress ought to consider the effects of rolling back environmental safeguards on their political health as the voting electorate grows younger and greener. More than 85% of Americans call the environment a top or important priority, according to Pew Research Center, and over 60% want the EPA preserved or strengthened. And as former GOP Governor Thomas Kean pointed out recently, as of August, fewer than 1 in 4 independents approve of President Trump's handling of environmental issues.

Whether lawmakers strike a deal now, or delay decisions until early in the new year, it's time to pick a side. The frightening truth is this: If the EPA is forced to continue cutting corners, the chances of a horrifying environmental disaster will only grow. Every child, from Alaska to Maine to Tennessee, and everywhere in between, deserves to grow up with clean water, food and air.

INSIDE NEWS

[CPP Replacement Plan Launches Debate On State Flexibility, NSR Overhaul](#)

By Doug Obey and Lee Logan

December 18, 2017

EPA's advance notice of proposed rulemaking (ANPRM) seeking input on a narrow replacement for the Obama-era Clean Power Plan (CPP) tees up discussion of a rule limiting greenhouse gas cuts to those obtainable from plant efficiency improvements, while suggesting the agency might give states maximum flexibility to limit requirements, including whether any federal standards are "binding."

The notice, released Dec. 18, also includes language that all-but invites conservative groups to offer strategies to block or significantly delay any power sector GHG rule by outlining discussion about whether EPA was required to adopt a power sector finding for GHGs.

EPA, however, finesses this issue by not specifically seeking comment on it and focuses largely on technical issues surrounding the possible CPP replacement.

Further, EPA in the notice sets up a discussion of using a CPP replacement to justify changes to EPA's Clean Air Act new source review (NSR) permitting program, in order to avoid plant efficiency improvements under the CPP triggering other requirements for non-GHG emissions controls.

"EPA continues to consider the possibility of replacing certain aspects of the CPP," the ANPRM says, declining to commit to replacing the CPP, which the Trump EPA in October proposed to repeal. However, the notice seeks input on a range of potential elements of such a rule.

Those elements or issues include “aspects of the States’ and the EPA’s role in that process”; the best system of emission reduction (BSER) consistent with EPA’s proposed repeal, and interaction of a potential CPP replacement with NSR and a companion rule for new and modified power plants.

The ANPRM is considered a first step in replacing the CPP, which the agency is separately seeking to repeal. Many industry groups have urged the administration to replace the CPP, fearing that if the Obama-era rule is repealed without a replacement, it will leave them vulnerable to nuisance suits.

But completion of a replacement rule will likely take much longer than the separate repeal effort, likely creating uncertainty during any interim period.

EPA Administrator Scott Pruitt has long argued that the Obama-era rule was unlawful because it sought to regulate “beyond the fenceline” of individual power plants.

As such, the bulk of EPA’s ANPRM specifically seeks comment on several issues conducive to replacing the CPP with a narrower regulation focused primarily on actions, such as heat rate improvements, that occur “inside the fenceline” at specific power plants.

“The EPA has examined technologies and strategies that could potentially be applied at or to existing [power plants] to reduce emissions of GHG,” the notice says. “The Agency primarily focused on opportunities for heat rate (or efficiency) improvements at fossil fuel-fired steam generating [plants] to be a part of the BSER,” which is an air act standard used to calculate the regulation’s emissions targets.

‘Less Stringent Emissions Standard’

The agency also invites a discussion on the role of states in implementing a CPP replacement, including the key question of whether EPA’s “guidelines” must be binding as states develop compliance plans under section 111(d) of the Clean Air Act -- the section of the air act that supported the CPP.

“It is fortuitous that the regulations implementing CAA section 111(d) recognize that States possess considerable flexibility in developing their plans response to the emission guideline(s) established by the EPA,” the notice says, stating that the agency retains “discretion” to make its standards “binding” or not when states develop their plans.

“[W]here the EPA has *not* exercised its discretion to make its emission guideline binding, States ‘may provide for the application of *less stringent* emissions standards,’ where a State makes certain demonstrations,” the document says.

EPA adds ways for states to demonstrate more lenient approaches could include case-by-case reviews of whether a weaker standard is “significantly more reasonable” because of cost issues, physical limitations or other factors, floating the possibility that a replacement might not include “presumptive emission limits.”

Instead it could allow states to set standards based on EPA’s definition of BSER while considering the “unique circumstances” of the state and power plant.

And EPA cites as a “useful example” of a state process a draft North Carolina rule developed in response to the CPP that included a menu of potential heat rate improvements, and which concluded some units could be improved cost effectively and that other units did not have such opportunities because they are nearing retirement or for other reasons.

With respect to heat rate improvements, EPA also invites discussion on issues including how power plants might be sub-categorized under the rule and the merits of “gross” or “net” heat rates.

EPA’s ANPRM comes as numerous industry groups are already pushing separately for changes to make EPA’s NSR program more flexible -- a program which can cause facilities that undergo changes, including efforts to boost heat rates, to be subject to state-of-the-art emissions control regulations for conventional pollutants.

And the notice accordingly seeks comment on “actions that can be taken to harmonize and streamline” applicability of NSR to sources subject to a CPP replacement. EPA urges commenters to weigh in on CPP replacement rule compliance

scenarios that could trigger NSR; what “rule or policy changes or flexibilities” EPA could pursue under NSR to aid compliance with a CPP replacement; potential actions facilities could take through EPA’s minor NSR program or other means to avoid being subject to NSR; ways to draft CPP replacement compliance plans -- including use of inter- or intra-state trading -- to minimize power plants subject to NSR, and “other approaches” the agency should take into account.

Endangerment Finding

EPA in its notice also touches on the thorny issue of the endangerment finding, offering a lengthy discussion of the Obama administration’s legal interpretations regarding GHG endangerment, including the issue of whether the agency needed to craft a sector-specific endangerment finding to issue the rule.

The latter issue aligns with arguments floated by conservative opponents of GHG rules, and they are likely to offer comments on the issue in response to the ANPRM.

However, EPA states in the notice that none of the discussion regarding endangerment in the ANPRM should be construed as “addressing or modifying” prior EPA findings with respect to endangerment.

“The ANPRM mentions them merely to explain the genesis of the CPP,” the notice says. For example, the ANPRM notes that the Obama EPA, which issued a landmark finding that GHGs from mobile sources endanger the public, “took the position that no new or separate GHG endangerment finding” for power plants was needed, given that power plants “were already regulated under the Clean Air Act as a source category.”

Such language appears to anticipate that conservative critics of the endangerment finding would file comments critical of either EPA’s mobile source finding or its decision not to offer a power plant-specific finding, though EPA does not explicitly invite such comments and Pruitt has publicly downplayed the notion that EPA will revisit the endangerment finding.

EPA in its notice also seeks input on an array of other technical issues in its ANPRM, including whether regulated plants should be allowed to trade emissions credits or engage in emissions averaging for compliance.

“If so, should averaging be limited to units within a single facility, to units within a State, to units within an operating company, or beyond the State or company?” the document asks.

Many observers have said that a rule based only on actions physically taken at a power plant might preclude trading because the rule’s targets assume that plants can comply without trading.

EPA in the document also agrees with the prior administration’s finding that carbon capture and storage (CCS) technologies cannot be considered as part of BSER, which is the formula used to create the rule’s targets. But it does float CCS as a compliance option and also raises the possibility that plants that have conducted CCS retrofits can engage in credit trading under the rule.

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Message

From: Story, Karen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FFF41F1CC124408DB453568EE46259F4-STORY, KAREN]
Sent: 2/9/2018 4:11:22 PM
Subject: Regional News Clips - Friday, February 9, 2018

Region 2 News

[First Wave Of School Water Results Show Traces Of Lead, As Testing Continues](#) (VERMONT PUBLIC RADIO; February 8, 2018)

In November, the Department of Health announced that it was going to test 16 of the older schools around Vermont that get water from municipal sources to see if the pipes and fixtures in those buildings were leaching lead into the water.

[Solarize Tonawanda will energize development in the town](#) (BUFFALO NEWS; February 8, 2018)

The Town of Tonawanda plans to use a \$150,000 grant to update its zoning laws.

[State, Trenton reach deal to fix failing water utility](#) (NJ.COM; February 8, 2018)

State environmental officials have reached an agreement with Trenton aimed at bolstering the city's [troubled water utility](#).

[NY lawmakers cancel budget hearing because of storm](#) (WNYT NEWS; February 7, 2018)

It's a snow day for New York lawmakers.

[Water main replacement projects to begin in Burlington, Camden counties](#) (CHERRY HILL COURIER-POST; February 7, 2018)

New Jersey American Water announced Tuesday the start of water main replacement projects in Burlington and Camden counties to improve service reliability, prevent water outages and enhance fire protection.

National

Administrator Pruitt on Climate

[USA Today - EPA chief Scott Pruitt: Global warming may be a good thing](#)

[CNN - EPA Administrator Scott Pruitt suggests climate change could benefit humans](#)

[Washington Post - EPA's Scott Pruitt asks whether global warming 'necessarily is a bad thing'](#)

[The Hill - EPA administrator questions 'assumptions' that global warming is bad](#)

[AP - AP FACT CHECK: Climate science undercuts EPA chief's view](#)

[E&E Climatewire - Scientists correct Pruitt's climate claims](#)

General

[WASHINGTON POST - EPA brings in billions in enforcement fines — but most stem from Obama era](#)

[The Hill - Final EPA toxic chemical rule proposes \\$20 million in annual fees to manufacturers](#)

[Politico - EPA proposes TSCA fees to help cover chemicals testing](#)

[E&E Greenwire - Key air office gets new chief](#)

[E&E News PM - Judge gives EPA 60 days to act on Conn. petition](#)

[E&E Climatewire - Wheeler shifts course on endangerment finding](#)

[Politico - Farmers seek Senate help for exemption from EPA emissions law](#)

[E&E Climatewire - U.S. releases CO2 inventory required by climate treaty](#)

[E&E Daily - Farmers tell lawmakers of frayed relationship with feds](#)

[BNA - Agencies Boost Exchange of Fluorochemicals Data](#)

[E&E News PM - Group sues for access to scientific-integrity documents](#)

[Politico - Grassley moves to free Northey, Cruz refuses to budge](#)

[Detroit News - Toxic vapor tests lag for thousands of Michigan sites](#)

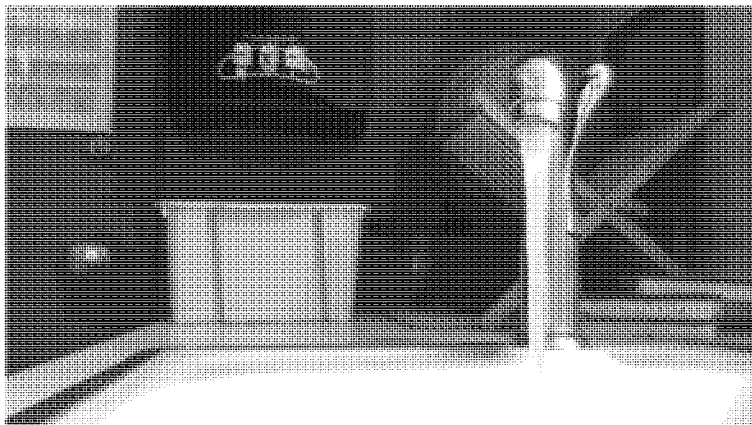
Full Articles Region 2 News

VERMONT PUBLIC RADIO

[First Wave Of School Water Results Show Traces Of Lead, As Testing Continues](#)

By Howard Weiss-Tisman

February 8, 2018



In November, the Department of Health announced that it was going to test 16 of the older schools around Vermont that get water from municipal sources to see if the pipes and fixtures in those buildings were leaching lead into the water. So far, they have detected unsafe levels of lead in some of the school buildings' water.

As the results are starting to come in, Department of Environmental Conservation Drinking Water Compliance Chief Ben Montross says the tests give the state an idea of how wide spread the problem is:

"We just didn't know what was out there," Montross said. "It's really just investigatory to see what's out there, and see what we're dealing with, and then try to steer potentially a statewide approach, or just advice, to schools in the future."

Lead poisoning is especially dangerous to children.

Exposure to lead can damage the brain, kidneys and nervous system and it can slow down growth and development and make it hard to learn.

In 2016, more than 600 Vermont children under the age of six were found to have lead poisoning, according to the health department. Children are typically exposed to lead from old paint.

And while Vermont has done a lot to try reduce exposure, Montross says schools that have their own wells are required to test their water, schools that use public water supplies do not routinely test the water inside the buildings.



Academy School principal Andy Paciulli points to one of the fixtures that was replaced after state tests discovered lead was leaching into the water.

"The reaction happens when the water comes through the pipes," Montross says. "If the school was built before 1986 the lead standards were different then. So right off the bat we see newer schools typically don't have the issue. But if there's a school that has the old wing built in the '50s, '60s, '70s, and the new wing built in the '90s-2000s, you can likely see difference in those results."

And the results, even among the 16 schools, have been varied.

The state tested 14 schools so far, and the results are available from eight:

- Academy School, Brattleboro
- Bennington Elementary school, Bennington
- Cabot School, Cabot
- Castleton Elementary School, Castleton
- Central Elementary School, Bellows Falls
- Elm Hill School, Springfield
- Enosburg Falls Elementary School, Enosburg falls
- Ludlow Elementary School, Ludlow

"The only way to know if there is lead in your drinking water is to test. There is no safe level of lead in the body, so wherever we can work to reduce lead levels, we should do that." — Michelle Thompson, Department of Health

The EPA sets its health advisory level at 15 parts per billion, while Vermont says drinking water shouldn't have anymore than 1 part per billion.

Instead of testing a handful of taps at a lot of schools, the health department chose a group of schools, and tested every single water source at each school.

- At Central Elementary School in Bellows Falls just about all of the taps were at or below a detectable level.
- At Castleton Elementary School, several of the taps and fountains were above state, and federal, safe drinking water standards.
- At Academy School in Brattleboro one of the older taps in the school measured one of the highest levels in the state.

Academy School principal Andy Paciulli says all of the taps that registered high levels of lead have been removed.

"We removed all of the fixtures as soon as we got the results," Paciulli said. "We are the guardians here of 370 kids, five days a week. So it's our job to take care of them any way we can."

Vermont Department of Health public health hygienist Michelle Thompson says in many of the cases it's relatively easy and inexpensive to change out older faucets, or just make sure the water is turned on for a few seconds every morning.

And she says the state is encouraging other schools to test their water.

"The only way to know if there is lead in your drinking water is to test," Thompson says. "We know that lead is an issue. We know that it has harmful health effects. There is no safe level of lead in the body, so wherever we can work to reduce lead levels, we should do that. And so through this project, that's a big aim."



Grady Smith, left, with his son, Wilder, outside Academy School. Smith says he was concerned when he learned that lead was detected in the school water.

Grady Smith has two children at Academy School in Brattleboro, and says the school has done a good job letting parents know about the testing, and about the subsequent results.

"I wasn't too concerned because I didn't think it was going to be an issue here," says Smith. "And then when I did hear that it was I was a little concerned. But it goes to show that anywhere where the infrastructure is not up to par, there can be detrimental conditions."

The state expects to finish testing at the last two schools this month and have all of its results back sometime in March.

The health department will then issue a report with recommendations for possible further statewide actions.

BUFFALO NEWS

Solarize Tonawanda will energize development in the town

By Nancy A. Fischer

February 8, 2018



Riverview Solar Technology Park was one of number of business parks in the Town of Tonawanda's strategic redevelopment plan. (News file photo)

The Town of Tonawanda plans to use a \$150,000 grant to update its zoning laws.

The town received the grant from the New York State Energy Research and Development Association after completing a successful Solarize Tonawanda campaign to encourage solar energy installations and other green initiatives in the town.

On Monday, the Town Board announced plans to use the funds to overhaul its zoning laws to make them user-friendly for developers.

Planning and Development Director James Hartz said the process could take up to three years and will include public outreach and traffic studies.

"Right now it's just a mishmosh," Hartz said of the codes that he said have been updated in a piecemeal fashion since the 1940s.

"The (zoning) code has to be simpler for people to understand," Councilman William Conrad said, "That will lead to more development."

NJ.COM

State, Trenton reach deal to fix failing water utility

By Rob Jennings

February 8, 2018

State environmental officials have reached an agreement with Trenton aimed at bolstering the city's troubled water utility.

A 16-page administrative consent order signed by Mayor Eric Jackson resolves violations issued by the N.J. Department of Environmental Protection (DEP) to Trenton Water Works, most recently on Jan. 5, and sets out an improvement plan.

Trenton Water Works provides water to approximately 225,000 customers in Trenton and parts of Hamilton, Ewing, Lawrence and Hopewell. The 159-year-old utility has been in the spotlight amid escalating concerns about water quality, aging infrastructure and inadequate staffing.

The consent order with the DEP was finalized about a week after the city secured a 12-month emergency contract with a civil engineering company to help run the utility, fulfilling a state directive from last fall.

It was announced Tuesday afternoon after DEP met with mayors and other representatives of the municipalities served by the utility met at Trenton City Hall.

Understaffed, aging N.J. water utility became a 'failure'

DEP Commissioner Catherine McCabe, in a statement from her office, said the agreement "outlines clear goals for bringing Trenton Water Works into compliance with all state requirements."

"The DEP and the city share the same goal - providing the customers of Trenton Water Works with a safe and reliable supply of drinking water," McCabe said.

McCabe's predecessor, former DEP Commissioner Bob Martin, sent a letter Jan. 12 reiterating health and safety concerns after the city missed a Nov. 30 deadline for awarding the emergency contract.

The consent order directs Trenton Water Works to fill staff vacancies, with an expedited timeline for positions deemed especially crucial. It sets an April 30 deadline for submitting preliminary designs aimed at improving the water treatment plant.

It requires monthly progress reports, and the utility has until Dec. 31 to submit a plan for system-wide compliance with the state Water Quality Accountability Act, which took effect in July. Monthly progress reports will be submitted.

NJ Sierra Club Director Jeff Tittel weighed in on the agreement, stating that while it is important it does not alter the underlying problem, of not having sufficient funding for the utility.

"We now have a plan in place but unless there is a funding mechanism to fix the old aging infrastructure and pipes, it will not fix the water problems," Tittel said.

DEP provided a statement from Jackson, in which he described the agreement as "reflective of a new, collaborative partnership that leverages all of ours and the state's resources to ensure the common goal of delivery of water in our distribution system according to state and federal standards."

Jackson recently announced that he is not running for re-election in May.

WNYT NEWS

NY lawmakers cancel budget hearing because of storm

February 7, 2018



It's a snow day for New York lawmakers.

The state Legislature has canceled a hearing on state funding for environmental protection that had been scheduled for Wednesday. The event was postponed because of a storm expected to dump several inches of snow on Albany.

It's one of several such hearings planned this month as lawmakers scrutinize different parts of Democratic Gov. Andrew Cuomo's \$168 billion state budget proposal. Other hearings have already been held on education spending, municipal government, public safety and economic development.

Wednesday's hearing was to focus on Cuomo's call for increased funding for water quality, a new sewage plant in Niagara Falls, programs to fight lake algae and efforts to clean up pollution.

The hearing is now planned for Feb. 27.

CHERRY HILL COURIER-POST

Water main replacement projects to begin in Burlington, Camden counties

February 7, 2018

New Jersey American Water announced Tuesday the start of water main replacement projects in Burlington and Camden counties to improve service reliability, prevent water outages and enhance fire protection.

The projects, with a combined cost of over \$4.2 million, will replace aging pipes dating to the 1900s.

Beginning this month, contractor Pioneer Pipe Contractors Inc. will begin work in the following towns:

Cherry Hill:

- Utah Avenue, from South Kings Highway to end of roadway

Cinnaminson:

- Garfield Avenue, from Melrose Street to Purnell Avenue
- Melrose Street, from Garfield Avenue to Columbia Avenue
- Plum Lane, from Greenwood Avenue to end of roadway
- Taylors Lane, from Cindel Drive to Route 130

Haddon Heights:

- East High Street, from White Horse Pike to Fourth Avenue
- Fourth Avenue, from East Kings Highway to Clements Bridge Road

Haddonfield:

- Roberts Avenue, from East Kings Highway to end of roadway

Lumberton:

- Moore Street and Ross Street, from Main Street to Chestnut Street
- Chambers Street, from Moore Street to Ross Street

Palmyra:

- New Jersey Avenue, from South Broad Street to West Charles Street
- 5th Street and 6th Street, from Arch Street to Delaware Avenue
- Race Street, from 3rd Street to West Broad Street
- Vine Street and Weart Boulevard, from 5th Street to West Broad Street

Somerdale:

- Warwick Road, from West Somerdale Road to Fox Ridge Drive
- West and East Earl Avenue, from Terrace Avenue to West Atlantic Avenue
- East Villa Avenue, East Wood Avenue and East Preston Avenue, from Warwick Road to end of roadways

Beginning this month, contractor South State Inc. will begin work in these towns:

Gloucester Township:

- 4th Avenue, from Black Horse Pike to Floodgate Road
- 8th Avenue, from Black Horse Pike to Glendora Avenue
- 9th Avenue and 11th Avenue, from Black Horse Pike to Saint Mark Drive
- Central Avenue, from 12th Avenue to 1st Avenue

Prior to the start of construction, residents within the scope of the projects will receive a notice with the expected start date.

“New Jersey American Water places a high value on our proactive replacement program, as it helps us improve water quality and service and makes our systems more resilient to potential disruptions in the future,” stated David Forcinito, senior director of South Operations. “These projects within Burlington and Camden counties are a continuation of the critical investment for the company to provide our customers with safe, reliable water service.”

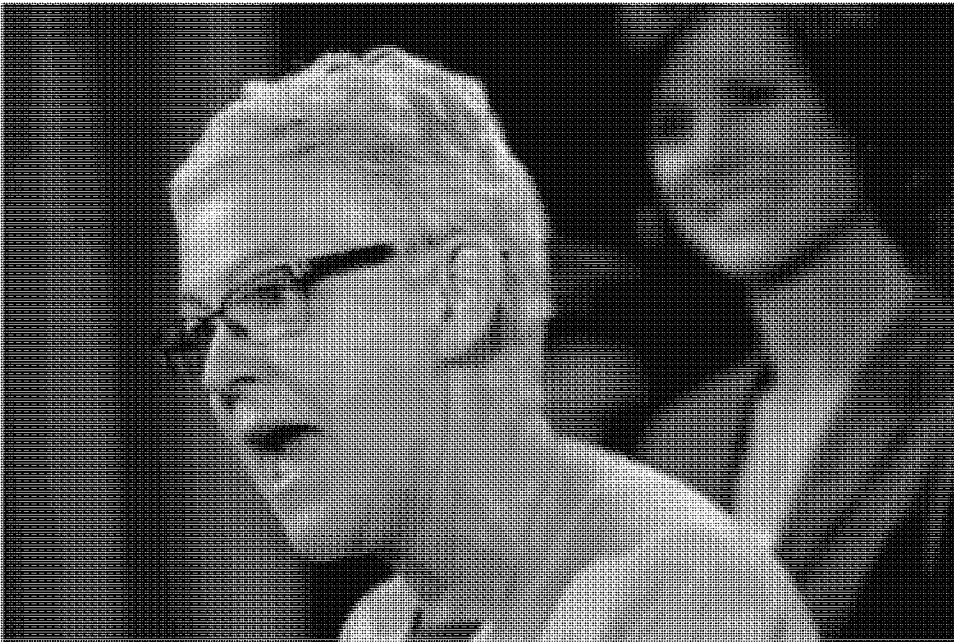
National

WASHINGTON POST

EPA brings in billions in enforcement fines — but most stem from Obama era

By Brady Denis

February 8, 2018



Former EPA administrator Gina McCarthy, accompanied by then-deputy attorney general Sally Yates, announced a settlement with Volkswagen in 2016. The car company agreed to pay a \$2.8 billion criminal fine to settle allegations that it used illegal software to cheat emissions tests. It also agreed to pay \$1.45 billion in civil penalties. (J. David Ake/AP)

The Environmental Protection Agency on Thursday released annual data about how it is enforcing the nation's environmental laws, saying it had racked up nearly \$5 billion in criminal fines and civil penalties, as well as significant commitments from companies to clean up contaminated sites around the country.

Trump administration critics were quick to point out that many of the actions highlighted in the report — which include cases through the fiscal year that ended Sept. 30 — were initiated under the Obama administration. That leaves ongoing questions about how aggressively the EPA under Administrator Scott Pruitt will prosecute polluters, they say.

"We are highlighting accomplishments and honoring employees for all the great work they've done," said Susan Bodine, the agency's top enforcement official, who was confirmed by the Senate in December. A strong enforcement program "is essential," she added, and in line with Pruitt's promises to hold polluters accountable.

Thursday's report shows the agency brought in nearly \$3 billion in criminal fines and restitution, largely resulting from a landmark settlement with Volkswagen over its use of illegal software to cheat emissions tests. The company also agreed to pay \$1.45 billion in civil penalties, contributing to what the EPA called its most significant year for such penalties since BP in 2010 paid nearly \$6 billion in the wake of a deadly oil spill in the Gulf of Mexico.

In addition, Bodine noted, private firms committed more than \$1.2 billion toward cleaning up contaminated sites around the country during the past fiscal year. And the agency saw an increase in the years of incarceration resulting from its criminal actions.

Cynthia Giles, a top EPA enforcement official during the Obama administration, said the latest report says more about the past administration than it does the current one.

"Nearly all of the large cases included in the EPA's annual enforcement report were essentially over before the new administration arrived," Giles said in an email, noting that there was little Pruitt could have done to alter them. "In no sense do these cases reflect the intentions or actions of the new administration."

Including settlements made in the waning months of the Obama administration was appropriate because they came during fiscal 2017, Giles said. "But what is not fair, and would be entirely misleading, is claiming that these numbers show that Administrator Pruitt is enforcing the law."

Bodine acknowledged that many of the criminal filings, fines and other enforcement actions took root before the Trump administration.

"Enforcement cases take a long time to develop and come to fruition," she said, pointing to the Volkswagen case as an example. While its initial settlement was finalized before President Trump took office in January 2017, "the folks working on that are still working on that and other good cases as well."

But it remains to be seen whether Pruitt intends to follow through on such promises. An analysis by the New York Times late last year concluded that the EPA under Pruitt has initiated about one-third fewer civil enforcement cases than the number under President Barack Obama's first EPA director and about a quarter fewer than during the early days of President George W. Bush's administration.

The article highlighted how some regional EPA officials feel hamstrung because they no longer have the authority to order certain air- and water-pollution sampling tests, known as requests for information, without receiving permission from headquarters in Washington.

Bodine said the paper's analysis did not account for an overall trend during the past decade of the EPA initiating fewer enforcement cases. "We are targeting the most egregious cases. We're being strategic about our criminal enforcement actions," she said. "So while cases have gone down, the significance of the cases . . . has gone up."

Requests for information have routinely been approved, she added.

Separately, the Environmental Integrity Project, a non-profit advocacy group, said its analysis of the data Thursday showed that the Trump administration has filed just 33 civil cases during its first 9 months and collected \$14 million in federal penalties. That amounts to about half of the average of 62 cases filed during the first nine months of the Obama, George W. Bush and Clinton administrations, the group said.

"Since President Trump took office, the long arm of the law has gotten shorter, at least when it comes to cracking down on illegal pollution," Eric Schaeffer, the group's executive director, said in a statement.

The Trump administration has proposed sharp cuts to the agency's enforcement apparatus — \$129 million below 2017 levels — even though such drastic cuts are unlikely to be part of any budget deal on Capitol Hill. Even so, the enforcement office has been hit by numerous departures, including longtime career staffers who accepted buyouts in the summer. The EPA did not provide precise numbers on current staffing Thursday.

The administration has said it intends to delegate more enforcement responsibilities to individual states and then lend a hand wherever necessary — a concept known as "cooperative federalism" that Pruitt has championed. But environmental advocates have warned that many states have woefully few resources to actually track down and prosecute polluters and that the agency's shift amounts to a retreat.

Bodine said states already do the vast number of inspections and enforcement actions, with the EPA regularly working with individual states to ensure companies comply with environmental laws. When that happens successfully, it doesn't always end up as a formal case that gets counted in the annual tally, she said.

"The characterization that EPA is walking away . . . and turning everything over to the states, that isn't true," she said. "The philosophy is that states are partners, and we want to work cooperatively with them."

Yet she added, "We still need to make sure the federal environmental statutes are complied with. So if a state isn't going to take an action, we will."

USA Today

<https://www.usatoday.com/story/news/nation/2018/02/08/epa-chief-scott-pruitt-global-warming-may-good-thing/318850002/>

EPA chief Scott Pruitt: Global warming may be a good thing

By John Bacon, 2/8/18, 10:12 AM

"Human activity" contributes to global warming, but heating up the planet might not be such a bad thing, EPA administrator Scott Pruitt said.

Pruitt, in an interview with KSNV-TV in Las Vegas this week, walked back previous statements questioning whether carbon dioxide levels driven higher by human pollution played a role in climate change.

"No one disputes the climate is changing," Pruitt said. "We obviously contribute to it, our activity contributes to it."

But Pruitt questioned whether climate change is an "existential threat."

"We know humans have most flourished during times of what? Warming trends," Pruitt said. "I think there are assumptions made that because the climate is warming, that that necessarily is a bad thing. Do we really know what the ideal surface temperature should be in the year 2100, in the year 2018? That is fairly arrogant, for us to think we know exactly what it should be in 2100."

Pruitt's statements drew scorn from some scientists. Stanford environment professor Chris Field, who oversaw a United Nations and World Meteorological Organization scientific report on climate change, said studies reviewing the full range of climate change impact show "there are a few winners, but there are lots and lots of losers."

"The fraction of losers grows dramatically with the amount of warming," he said. "We need only look to the damage from hurricanes Harvey, Irma and Maria or the California wildfires of 2017 to appreciate the power of the climate system."

Pruitt said he wants an "honest, open, transparent debate about what do we know, what don't we know, so the American people can be informed and they can make decisions on their own with respect to these issues."

Pruitt also questioned what role his agency should have in curbing the carbon dioxide footprint. He said EPA efforts to do so during the Obama administration were mostly rejected by the courts, and that his job is to "execute, not legislate" pollution laws.

Before taking over the EPA, Pruitt served as Oklahoma's attorney general. In that roll the Republican sued 14 times to block clean air and water safeguards established by the EPA, the agency he now leads.

The Trump administration has worked to roll back the Clean Power Plan the Obama White House pushed out in 2015 to combat climate change. And Trump's decision to bow out of the Paris Agreement, an international accord to reduce carbon emissions, has drawn outrage from Democrats and environmental groups.

CNN

<http://www.cnn.com/2018/02/08/politics/scott-pruitt-climate-change/index.html>

EPA Administrator Scott Pruitt suggests climate change could benefit humans

By Jennifer Hansler, 2/8/18, 9:16 AM

Washington (CNN) - Environmental Protection Agency Administrator Scott Pruitt suggested Tuesday that climate change could benefit humans, despite scientific evidence to the contrary.

In an [interview with KSNV](#) in Las Vegas, Pruitt conceded that climate change is a reality and humans have contributed to it "to a certain degree." However, the EPA administrator cast doubt on its negative long-term implications.

"Is it an existential threat? Is it something that is unsustainable, or what kind of effect or harm is this going to have? I mean, we know that humans have most flourished during times of what? Warming trends," Pruitt said. "I think there's assumptions made that because the climate is warming, that that necessarily is a bad thing. Do we really know what the ideal surface temperature should be in the year 2100? In the year 2018? I mean it's fairly arrogant for us to think that we know exactly what it should be in 2100."

The current scientific consensus, according to [NASA](#), is that humans are the primary drivers of climate-warming trends, and that it is "proceeding at a rate unprecedented over decades to millennia." Some of the [long-term effects](#) of climate change include a continuing increase in global temperatures, more droughts and heatwaves, stronger and more intense hurricanes, and rising sea levels.

According to the US Global Change Research Program's [National Climate Assessment](#), "climate change presents a global public health problem, with serious health impacts predicted to manifest in varying ways in different parts of the world."

"Public health in the US can be affected by disruptions of physical, biological, and ecological systems," the report explains. "Health effects of these disruptions include increased respiratory and cardiovascular disease, injuries and premature deaths related to extreme weather events, changes in the prevalence and geographical distribution of food- and waterborne illnesses and other infectious diseases, and threats to mental health."

The US has seen a stark shift in its approach to climate change under the Trump administration and at the EPA under Pruitt's leadership. Pruitt has shied away from robust action on climate change, and the phrase "climate change" was not included in the agency's four-year plan.

Washington Post

https://www.washingtonpost.com/news/energy-environment/wp/2018/02/07/scott-pruitt-asks-if-global-warming-necessarily-is-a-bad-thing/?utm_term=.e244d028f413

EPA's Scott Pruitt asks whether global warming 'necessarily is a bad thing'

By Dino Grandoni, Brady Dennis, and Chris Mooney, 2/7/18, 4:26 PM

As head of the Environmental Protection Agency, Scott Pruitt has repeatedly questioned the scientific consensus that rising levels of carbon dioxide from human-fueled activity are warming the planet.

He's now taking a different tack: Even if climate change is occurring, as the vast majority of scientists say it is, a warmer atmosphere might not be so awful for humans, according to Pruitt.

"We know humans have most flourished during times of what, warming trends," Pruitt said Tuesday during an interview on KSNV, an NBC affiliate in Las Vegas. "So I think there's assumptions made that because the climate is warming, that that necessarily is a bad thing. Do we really know what the ideal surface temperature should be in the year 2100, in the year 2018? That's fairly arrogant for us to think that we know exactly what it should be in 2100."

Pruitt continued: "There are very important questions around the climate issue that folks really don't get to. And that's one of the reasons why I've talked about having an honest, open, transparent debate about what do we know, what don't we know, so the American people can be informed and they can make decisions on their own with respect to these issues."

Not long after taking office last February, Pruitt seemed to reject the established science of climate change in a nationally televised interview — a move that outraged scientists, environmental advocates and his predecessors at the EPA.

"I think that measuring with precision human activity on the climate is something very challenging to do, and there's tremendous disagreement about the degree of impact, so no, I would not agree that it's a primary contributor to the global warming that we see," Pruitt said on CNBC's "Squawk Box" in March. "We need to continue the debate and continue the review and the analysis."

At the time, his comments represented a startling statement for an official so high in the U.S. government. They put him at odds not only with leaders around the world, but also with the EPA's own official scientific findings. President Trump has famously called the idea of human-driven climate change a hoax. Other Cabinet members, including Energy Secretary Rick Perry, have questioned the scientific basis for combating global warming.

He now seems to have embraced an argument long held by other climate-science skeptics: that a warmer atmosphere may in fact be better for humanity.

"The climate is changing. That's not the debate. The debate is how do we know what the ideal surface temperature is in 2100? ... I think the American people deserve an open honest transparent discussion about those things," Pruitt said in an interview with Reuters last month. He added, "This agency for the last several years has been more focused on what might be happening in 2100, as opposed to what is happening today."

And during a hearing on Capitol Hill later in January, Pruitt said, "There are questions that we know the answer to; there are questions we don't know the answer to. For example, what is the ideal surface temperature in the year 2100? [It's] something that many folks have different perspective on."

The theme echoes one advanced by Kathleen Hartnett White, Trump's pick to lead the White House's Council on Environmental Quality, who once touted carbon dioxide as "the gas of life on this planet." The White House withdrew her nomination on Saturday after even Republican senators raised questions about her expertise.

Pruitt also has been the main administration official pushing for a governmentwide effort to debate the science of climate change. He first raised the possibility of such a "red team-blue team" exercise in an interview in June.

"What the American people deserve, I think, is a true, legitimate, peer-reviewed, objective, transparent discussion about CO₂," Pruitt told Breitbart's Joel Pollack.

During his most recent congressional testimony, Pruitt came back to the same idea.

"That red team-blue team exercise is an exercise to provide an opportunity to the American people to consume information from scientists that have different perspectives on key issues," Pruitt told Sen. Jeff Merkley (D-Ore.), "and frankly could be used to build consensus in this body."

It's unclear why Pruitt thinks warmer temperatures may be better for people. The last 11,700 years, before the end of the last ice age, constitute a relatively stable period of climate for human civilization. Many of the cities built during those millennia dot the coasts of Earth's continents and were situated there assuming relatively stable sea levels.

And while rising temperatures may indeed boost agricultural yield in some regions, they are projected to cause debilitating drought elsewhere.

Although the not-so-bad argument may be new for Pruitt, some conservative and fossil-fuel industry groups have used it for almost three decades. In 1991, for example, the Western Fuels Association funded "The Greening of Planet Earth," a 30-minute video arguing that more CO₂ in the air helps farmers.

In 2001, the Cato Institute echoed the video's message. "The video was right," Patrick J. Michaels, a senior fellow at the libertarian think tank, wrote. "The greens were wrong."

The Hill

<http://thehill.com/policy/energy-environment/372749-epa-administrator-global-warming-could-help-humans>

EPA administrator questions 'assumptions' that global warming is bad

By Luis Sanchez, 2/7/18, 1:19 PM

The head of the Environmental Protection Agency on Tuesday questioned whether global warming is harmful to humans and suggested warm climate could be beneficial.

"We know that humans have most flourished during times of, what? Warming trends. So I think there's assumptions made that because the climate is warming, that that necessarily is a bad thing," Administrator Scott Pruitt told KSNV News 3 Las Vegas, disputing whether climate change is an "existential threat."

"Do we really know what the ideal surface temperature should be in the year 2100 in the year 2018?" he continued. "I mean, that's somewhat fairly arrogant, for us to think that we know exactly what it should be in 2100."

Pruitt has been skeptical previously about whether human activity is the primary cause of global warming. Last summer, he raised the idea of funding a debate over whether humans are the main contributors to rising temperatures.

But he seemed to acknowledge that humans contribute to climate change on Tuesday.

"No one disputes the climate changes, is changing, and we see that is a constant. We obviously contribute to it," Pruitt said. "We live in the climate, right. So our activity contributes to the climate changing, to a certain degree."

Pruitt's comments contradict the general scientific consensus that humans are the main contributors to the planet's rising temperatures due to the greenhouse effect.

"There are very important questions around the climate issue that folks really don't get to," Pruitt said. "And that's one of the reasons I've talked about having an honest, open, transparent debate about what do we know, what don't we know, so the American people can be informed and they can make decisions on their own with respect to these issues."

He added that as head of the EPA he has to balance the issue of what the science says with what "authority" the agency has to implement related regulations.

AP

<https://apnews.com/c227d7e1a7524bdebd658741ae67d808/AP-FACT-CHECK:-Climate-science-undercuts-EPA-chief's-view>

AP FACT CHECK: Climate science undercuts EPA chief's view

By Michael Biesecker and Seth Borenstein, 2/8/18

WASHINGTON (AP) — The head of the Environmental Protection Agency is again understating the threat posed by climate change, this time by suggesting that global warming may be a good thing for humanity.

EPA Administrator Scott Pruitt has championed the continued burning of fossil fuels while expressing doubt about the consensus of climate scientists that man-made carbon emissions are overwhelmingly the cause of record temperature increases observed around the world.

In an interview with KSNV-TV in Las Vegas on Tuesday, Pruitt made several statements that are undercut by the work of climate scientists, including those at his own agency.

The Associated Press shared a transcript of Pruitt's remarks with top U.S. scientists, and a dozen of them faulted his understanding of science.

Asked for references to any climate data or scientific studies Pruitt was relying on, EPA spokesman Jahan Wilcox instead provided a link to a recent Fox News report questioning the accuracy of a statement made by former Vice President Al Gore in 2006.

A look at some of Pruitt's statements:

PRUITT: "We know that humans have most flourished during times of what? Warming trends. So I think there's assumptions made that because the climate is warming, that that necessarily is a bad thing."

THE FACTS: While it is true that early human civilizations flourished in warm climates such as the Middle East and South Asia, the Earth has not been as warm as it is now for about 11,000 years, according to several studies. That was toward the end of the Stone Age, before humans had invented math, science or written language.

And a 2017 draft federal report that Pruitt's agency helped write says that by the end of the century global warming will add 4,500 to 9,000 deaths a year in the U.S. because of heat, with costs being \$60 billion to \$140 billion a year, depending on how much carbon pollution is emitted globally in the coming decades.

Pruitt's statement appears to draw from an argument by pro-fossil fuel groups that global warming will be a positive for some colder areas, bringing milder winters and longer growing seasons. While that may be true for a few areas of the United States, climate scientists say they will be the exception.

For most of the country, climate change will be disruptive — bringing more severe heatwaves and droughts, stronger tropical storms and increased coastal flooding.

"One theme from studies that look at the full range of impacts from climate change is that there are a few winners, but there are lots and lots of losers," said Stanford environment professor Chris Field, who oversaw a United Nations and World Meteorological Organization scientific report on climate change impacts. "And, the fraction of losers grows dramatically with the amount of warming. We need only look to the damage from hurricanes Harvey, Irma and Maria or the California wildfires of 2017 to appreciate the power of the climate system."

A hotter climate will also have negative overall health consequences, said Dr. Howard Frumkin, an environmental health professor at the University of Washington School of Public Health.

"While milder climates in cold places may bring some local benefits, a warmer world overall is clearly bad for health," said Frumkin who was appointed to head the National Center for Environmental Health by Republican President George W. Bush. "Hot weather promotes the spread of infectious diseases, reduces work capacity, increases rates of injuries and violent crimes, impairs sleep, reduces agricultural production, worsens air quality, and prolongs the allergy season."

While past warming periods in human history did sometimes boost agriculture, those climatic changes occurred over centuries, not at the rapid rate now being observed. The last four years have been the hottest ever recorded since accurate national weather data began being collected in the 1880s.

PRUITT: "No one disputes the climate changes, is changing, we see that constant. We obviously contribute to it, we live in the climate, right? So our activity contributes to the climate changing to a certain degree. Now, measuring that with precision ... is more challenging than is let on at times."

THE FACTS: A “certain degree” vastly understates the science. Recent studies leave little doubt that human activity is the overwhelming cause of climate change.

The National Climate Assessment’s Climate Science Special Report, published in November 2017 from a consortium of government agencies that included EPA, calculated that the human contribution to global warming since 1950 has been 92 percent to 123 percent.

It’s more than 100 percent on the higher end because some natural forces — such as volcanoes and the Earth’s orbital cycle — are working to cool the planet, but are being overwhelmed by the effects of greenhouse gases, said study co-author Katharine Hayhoe, director of the Climate Science Center at Texas Tech University.

PRUITT: “Do we really know what the ideal surface temperature should be in the year 2100, in the year 2018? That’s somewhat fairly arrogant for us to think we know exactly what it should be in 2100.”

THE FACTS: What he calls arrogant is established science. The United Nations Intergovernmental Panel on Climate Change says if fossil fuel emissions continue on the current trajectory, temperatures by the end of the century will be around 6.5 degrees warmer than now (3.7 degrees Celsius).

That means more extreme heat waves, heavy rains, floods, droughts and storms. It will worsen health problems that now exist, hurt the poorest and most vulnerable and lead to more conflicts and civil wars, much like the one in Syria, the report said.

“Human civilization came about and has thrived during a period in Earth’s history with very little climate change,” said Paul Higgins, a scientist with the American Meteorological Society. “We have no experience with the climate we expect in the near future and the rates of change are unlike anything people have dealt with before.”

E&E Climatewire

<https://www.eenews.net/climatewire/stories/1060073253/search?keyword=EPA>

Scientists correct Pruitt’s climate claims

By Scott Waldman, 2/8/18

U.S. EPA Administrator Scott Pruitt moved this week from questioning people’s role in climate change to suggesting that it could be positive for humanity, a claim that scientists described as wrong in interviews yesterday.

It’s a shift in rhetoric for Pruitt, who tends to choose his language carefully and who often sticks to prepared talking points in public interviews. Scientists say his latest interpretation is a severe misrepresentation of climate research, which shows that rising temperatures could deeply alter the Earth and its societies.

Pruitt has recently introduced three talking points that researchers say grossly distort the latest climate science. They echo the types of claims made by skeptical researchers at conservative think tanks.

Last week, Pruitt criticized scientists who warn of the risks associated with reaching a tipping point in global temperatures in an interview with Michael Barbaro of The New York Times. “I think it’s pretty arrogant for people in 2018 to say, ‘You know what, we know what the ideal surface temperature should be in the year 2100,’” Pruitt said.

Scientists say the ideal surface temperature is what we are living with right now. There’s evidence that the warming that has already occurred has altered some parts of the globe, most notably the Arctic, which has warmed twice as fast as elsewhere on the planet. Additional increases in temperatures could cause widespread disruption, according to researchers.

It’s misleading to say that the current rate of change is comparable to the past, said Kevin Trenberth, a meteorologist at the National Center for Atmospheric Research. He said the world is changing about 100 times faster than what would occur naturally, in terms of the long-term trends. Some trees and animals that have lived in the same region for centuries can no longer tolerate those places. Humans might have similar experiences, he said. In the past, change occurred over a long period of time, and species were able to adapt. That won’t be true in the future if the rate of change continues or accelerates, as it is expected to do, Trenberth said.

"The thing is most of those changes are occurring on time scales of 10,000 years, and you can sort of go with the flow; you can migrate and do various kinds of things related to that," he said. "When you really start crossing thresholds, and many of the species and plants that currently exist in various locations will no longer be able to exist in those locations anymore."

Pruitt told a Nevada television station that humanity flourishes when the Earth is warmer. "We know that humans have most flourished during times of, what, warming trends," he said.

Yet the warming globe is threatening island nations, some of which will have to be abandoned in the coming decades as the oceans rise. In some areas, sea levels could climb by a few feet, according to the most recent draft of the National Climate Assessment. Rising temperatures are also expected to cause a rise in deadly heat waves, the report found.

"Daily extreme temperatures are projected to increase substantially in the contiguous United States," the report stated.

That means daily temperatures could be 5 degrees Fahrenheit warmer by midcentury and 10 degrees warmer by 2100 in most areas of the United States, the report found. Meanwhile, the frequency and intensity of cold waves will decrease.

Past civilizations have not thrived in those types of temperatures, because they pre-date human societies, said Allegra LeGrande, a paleoclimate researcher at the NASA Goddard Institute for Space Studies.

"The warming that we're going into now, that is something that humans have not experienced," she said. "It's not like humans have thrived in previous warming periods; the warming we're talking about now was before human beings were human beings."

To find a period that's analogous to today, you have to go back 125,000 years, LeGrande said. Ocean temperatures during that period were similar to what they are now, and climate change is expected to continue to warm the oceans, she said. Sea levels were about 30 feet higher, which would wipe out many of the world's largest cities.

During a television interview with KSNV in Nevada on Tuesday, Pruitt questioned whether climate change could end the existence of humans, an extreme outcome that most researchers don't seek to explore. "Is it an existential threat, is it something that is unsustainable, or what kind of effect or harm is this going to have?" Pruitt asked.

A study in September estimated that there's a 5 percent chance that warming could cause "catastrophic" impacts by 2050. The researchers said that under such a scenario, humans would have trouble adapting to things like worsening storms and the health effects of sudden changes to the climate. The paper, published in the journal Proceedings of the National Academy of Sciences, said it's possible that humans could be wiped out, but the chances are smaller than 5 percent.

Pruitt also asked what kind of harm could be caused, short of extinction. Researchers point to damage that is already occurring.

Sea-level rise and extreme rains have caused frequent flooding in some parts of the world. And droughts and higher temperatures have diminished water resources in others, according to the most recent report by the Intergovernmental Panel on Climate Change. In particular, climate change will hit poor people the hardest, it said.

"Climate-change impacts are expected to exacerbate poverty in most developing countries and create new poverty pockets in countries with increasing inequality, in both developed and developing countries," the report stated.

Human societies have developed during a remarkable period of climate stability, relative to the long-term paleoclimate record, said Kate Marvel, a physicist at Columbia University and a researcher at the Goddard Institute for Space Studies. The current rate of change is going to alter that, she said, by hitting some parts of Earth much harder than others.

"What we're looking at now is a rate of change that is unprecedented in known history, and I think it's true that there might be winners and losers," she said. "We don't have the tools really to handle this."

Those who don't accept established climate science often point to uncertainty as a reason to downplay concerns about climate change, Marvel said. That could leave humanity unprepared, she said.

"A lot of times, people who are reluctant to accept the science of climate change flag up the uncertainty and kind of are comforted by it," she said. "I find the uncertainty the opposite of comforting, because if we knew exactly what to expect, we could plan for it. It's that we don't know what to expect that is terrifying for me."

The Hill

<http://thehill.com/policy/energy-environment/372919-final-epa-toxic-chemical-rule-proposes-20-million-in-annual-fees-to>
Final EPA toxic chemical rule proposes \$20 million in annual fees to manufacturers
By Miranda Green, 2/8/18, 11:12 AM

The Environmental Protection Agency's (EPA) fourth and final rulemaking to revamp a chemical safety rule would collect more than \$20 million annually from chemical and petroleum manufacturers and distributors.

The proposed fees rule under the amended Toxic Substances Control Act (TSCA), announced Thursday, would collect approximately \$20.05 million a year from companies that manufacture or import, distribute in commerce, or process chemical substances, according to EPA's copy of the rule. The fees could also impact petroleum and coal products and chemical, petroleum and merchant wholesalers, according to the rule.

The text of the rule said the fee total does not include the fees collected for manufacturer-requested risk evaluations. Under the proposed rule, businesses would begin incurring fees at the start of October.

The EPA said the fee is meant to defray some of the agency costs associated with implementing TSCA and will be added to the TSCA Service Fee Fund held at the U.S. Treasury.

"These fees are intended to achieve the goals articulated by Congress to provide a sustainable source of funds for EPA to fulfill its legal obligations to conduct activities such as risk-based screenings, designation of applicable substances as High- and Low-Priority, conducting risk 5 evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, requiring testing of chemical substances and mixtures, and evaluating and reviewing manufacturing and processing notices, as required under TSCA," the rule said.

EPA Administrator Scott Pruitt said the fee would ensure that TSCA be implemented with the "highest standards."

"EPA has moved swiftly to implement the amended TSCA requirements. Our proposed TSCA fees rule ensures we have sufficient resources to review chemicals for safety with the highest scientific standards," Pruitt said in a statement.

A chemical safety law passed last year required the EPA to update several internal procedures related to the risk evaluation process for toxic chemicals.

However, some of the previously proposed rules have been met with heavy pushback. Several environmental groups sued the EPA in December over rules the agency published in July that determined which uses of chemicals the agency will assess before allowing the chemicals to be sold on the open market.

In their lawsuit the groups said the agency watered down the rules and weakened the chemical review process compared to the proposed regulations issued by the Obama administration.

"After Congress took bipartisan action to make desperately needed updates to our chemical safety laws, the Trump administration has turned back the clock, leaving families and workers at risk," said Eve Gartner, an attorney at Earthjustice, which filed the lawsuit in federal court.

The groups argue the new rules provide "loopholes" for chemical manufacturers.

The EPA said in June the rules "clearly [define] important scientific terms to ensure transparency and confidence in the risk evaluation process" and ensure "that the agency's resources are focused on those uses that may pose the greatest risk."

Politico

<https://www.politicopro.com/energy/whiteboard/2018/02/epa-proposes-tsca-fees-to-help-cover-chemicals-testing-574690>
EPA proposes TSCA fees to help cover chemicals testing
By Alex Guillen, 2/8/18, 11:20 AM

EPA today proposed setting a fee on companies seeking approval to sell new chemicals under the Toxic Substances Control Act that will bring in just over \$20 million annually.

The revised TSCA law passed in 2016 allowed EPA to collect industry fees to cover a quarter of its implementation costs or \$25 million, whichever was lower. EPA said in its proposed rule that it projects spending \$80.2 million annually, and thus set fees at a level projected to generate \$20.05 million per year.

The proposal covers fiscal years 2019 through 2021; the law requires EPA to revisit the fees every three years. The fees pay for the costs of testing and regulation of existing and new chemicals.

EPA is also authorized to charge fees of 50 percent or 100 percent, depending on the chemical, for manufacturers who specifically ask EPA to conduct a risk evaluation. The agency said it expects to collect \$3.9 million annually from that revenue stream.

WHAT'S NEXT: EPA will publish the proposed fee rule in the Federal Register and take comment for 60 days.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060073323/search?keyword=EPA>

Key air office gets new chief

By Sean Reilly, 2/8/18

Peter Tsirigotis, a career U.S. EPA employee who has been closely involved in crafting major power plant emissions regulations, is now director of the agency's Office of Air Quality Planning and Standards, a spokesman confirmed today.

He replaced Stephen Page, who recently retired.

Tsirigotis had previously headed the Sector Policies and Programs Division within the air quality standards office, which is based in Research Triangle Park, N.C., and falls under the umbrella of EPA's Office of Air and Radiation. After Page retired, Tsirigotis became the office's acting director. Late last month, Bill Wehrum, head of the Office of Air and Radiation, decided to make him permanent, spokesman John Millett said today.

The air quality standards office, often known by its acronym as OAQPS, is charged with developing regulations to reduce air pollution. It has the lead, for example, in crafting and implementing the ambient limits for ground-level ozone and other common pollutants. As of the end of 2016, the office had about 350 employees, according to EPA data obtained under the Freedom of Information Act.

EPA had not formally announced Tsirigotis' appointment, although he is listed as OAQPS director on an agency website. The leadership turnover is the first for the office in many years; Page had been director since at least 2003, according to public records.

Tsirigotis, who did not reply to phone and emailed requests late yesterday for his full EPA resume, had headed the Sector Policies and Programs Division since 2006, according to a court filing last year. The division's responsibilities include writing regulations for power plants and other stationary source polluters. Among other accomplishments, he oversaw development of both the Mercury and Air Toxics Standards and the Clean Power Plan, John Walke, head of the Natural Resources Defense Council's clean air program, said in an interview.

"He's very smart, and he's very knowledgeable," Walke said.

Because Tsirigotis also worked closely with Wehrum when the latter earlier served in the Office of Air and Radiation from 2001 to 2007 as part of President George W. Bush's administration, the two know each other well, Walke said.

Also lauding Tsirigotis was Janet McCabe, who served as acting EPA air chief during part of the Obama administration. "He's a great manager," she said in a phone interview yesterday, knows Clean Air Act programs "very well" and is accomplished in working with stakeholders.

Under President Trump, however, Tsirigotis is now charged with pursuing an agenda in some cases designed to roll back the policies he oversaw during the Obama administration. When EPA published its proposed rule to repeal the Clean Power Plan last October, for example, he was listed as the agency contact.

E&E News PM

<https://www.eenews.net/eenewspm/stories/1060073197/search?keyword=EPA>

Judge gives EPA 60 days to act on Conn. petition

By Sean Reilly, 2/7/18

U.S. EPA must act within 60 days on Connecticut's 2016 petition seeking a crackdown on a Pennsylvania power plant that the smaller state blames for contributing to ground-level ozone compliance problems, a federal judge ruled today.

In the decision, Senior U.S. District Judge Warren Eginton of Connecticut granted summary judgment in the state's favor. He brushed aside EPA's argument that it needed until the end of the year to "take all requisite steps to complete action" on the petition, which dates back to June 2016.

Agency compliance "more than two years after the filing of the petition is clearly at odds with [the] period of time that Congress deemed appropriate," Eginton wrote. Under the Clean Air Act, EPA was supposed to have rendered a decision within two months.

The petition seeks EPA's action to curb emissions of nitrogen oxides from the Brunner Island Steam Electric Station, a coal-fired power plant in York, Pa., that Connecticut officials say are undercutting their efforts to comply with EPA's 2008 ozone standard of 75 parts per billion. Nitrogen oxides react with volatile organic compounds in sunlight to form ozone, a lung irritant that is the main ingredient in smog.

The state had filed suit last May to compel EPA to act on the petition. Under Eginton's ruling, EPA must hold a public hearing on its proposed decision within 30 days.

E&E Climatewire

<https://www.eenews.net/climatewire/stories/1060073255/search?keyword=EPA>

Wheeler shifts course on endangerment finding

By Niina Heikkinen, 2/8/18

The nominee to be U.S. EPA's No. 2 has changed how he talks about the agency's endangerment finding for greenhouse gases.

Andrew Wheeler, whose nomination passed out of the Senate Environment and Public Works Committee for a second time on a party-line vote yesterday, told Delaware Sen. Tom Carper in a meeting that the endangerment finding has been legally settled, according to Carper, the top Democrat on the committee.

"[Wheeler] assured me that he views EPA's legal authority to regulate greenhouse gas emissions, which is based on the endangerment finding, is settled law," Carper said in his opening statement ahead of the committee vote.

Wheeler has criticized the finding in the past.

The principal at Faegre Baker Daniels is quoted on the law firm's website suggesting in 2010 that the finding was vulnerable to legal challenges, since it was mainly based on the 2007 U.N. Intergovernmental Panel on Climate Change (IPCC) report.

"[T]he fact is that this undermines their legal position as the Endangerment Finding is challenged in the courts," Wheeler said.

He suggested that a potential "silver bullet" to overturn the finding at the time was a pending "resolution of disapproval" for the endangerment finding from Sen. Lisa Murkowski (R-Alaska). According to Wheeler, that resolution would have had the effect of taking away EPA's authority to regulate greenhouse gases under the Clean Air Act and allow the United Nations to independently review its science.

It would "allow legislators to craft sensible energy policy that can promote energy independence without killing our domestic production of fossil fuels. It also allows EPA to reconsider its Endangerment Finding without almost exclusively relying upon the IPCC," Wheeler said.

The Senate blocked the Murkowski resolution from coming to a vote in June 2010. At the time, the Alaska senator acknowledged it had little chance of passing (E&E News PM, June 10, 2010).

The legal landscape has changed since 2010.

In 2012, the U.S. Court of Appeals for the District of Columbia Circuit upheld the endangerment finding in the case Coalition for Responsible Regulation v. EPA, according to David Doniger, senior director of the Natural Resources Defense Council's Climate and Clean Air Program.

The Supreme Court subsequently declined to review cases about whether greenhouse gases are harmful to human health and welfare in 2013 and 2014, he added.

Wheeler's current views on the subject are a point of particular interest, as EPA Administrator Scott Pruitt has been under pressure to undo the EPA finding, which would effectively gut the scientific foundation for regulating greenhouse gases at the agency. Wheeler has lobbied for one of the proponents of undoing the finding, Bob Murray, CEO of Murray Energy Corp.

Carper said he has received direct assurances from Wheeler that he was not involved in writing Murray's list of priorities for the Trump administration, which included undoing the endangerment finding (Greenwire, Jan. 10).

"I have no reason to doubt Mr. Wheeler's assurances that at least on the question of the endangerment finding, he holds a view that is distinct from Bob Murray's," Carper said.

Carper raised concerns that Pruitt was far less clear about where he stood on the endangerment finding and had refused to commit to keeping it in place.

"Last week, Administrator Pruitt was given the opportunity to say that he does not plan to do each and every thing that Mr. Wheeler's former client Bob Murray asked the Trump administration to do. Unfortunately, he did not seize that opportunity," Carper said.

Instead, Pruitt told the Environment and Public Works Committee at its oversight hearing that there had been no determination yet on whether to open up the endangerment finding for review.

While Democrats may be heartened by Wheeler's response on the endangerment finding, it also closely mirrors Pruitt's own statements on the endangerment finding during his confirmation process last year.

Pruitt then assured senators that he would stick to court decisions that required him to regulate greenhouse gases (Climatewire, Jan. 19, 2017).

Politico

<https://www.politicopro.com/agriculture/whiteboard/2018/02/farmers-seek-senate-help-for-exemption-from-epa-emissions-law-563622>

Farmers seek Senate help for exemption from EPA emissions law

By Catherine Boudreau, 2/7/18, 1:17 PM

Farming and ranching groups told Senate lawmakers today that the industry should be exempted from an EPA regulation related to hazardous emissions.

The rule requires that chemicals like ammonia and hydrogen sulfide be tracked and reported when exceeding certain levels within a 24-hour period.

"This presents a huge liability issue," American Farm Bureau Federation President Zippy Duvall said during a hearing in the Senate Environment and Public Works Committee. "We have no way of measuring [emissions]. We'd have to hire some expert, then the government may not agree with that expert, and make us hire another one, spending thousands and thousands of dollars we can't afford."

Farmers and ranchers are worried that if they don't accurately estimate emissions, they could get hit with large penalties, Duvall said. Representatives from the National Pork Producers Council and the Public Lands Council echoed his concerns.

In the past, EPA exempted farms and ranches from the environmental law, known by its acronym CERCLA, though large concentrated animal operations were subject to a separate emissions reporting law known as EPCRA.

Ammonia is emitted from livestock waste and fertilizer spread on fields, while hydrogen sulfide is formed during manure decomposition.

But in April, the U.S. Court of Appeals for the District of Columbia Circuit struck down the regulatory exemptions for agriculture. Last week, the court granted the EPA's request to stay an order directing emissions reporting until May 1.

EPA acknowledges that the reporting mandate is challenging for farmers and ranchers because there is no "generally accepted methodology" for estimating emissions. The agency said it was working on developing such methodologies.

Sen. Roger Wicker (R-Miss.) said during the hearing that two senators are planning to introduce legislation this week that would exempt agriculture from CERCLA.

Those senators, Joe Donnelly (D-Ind.) and Deb Fischer (R-Neb.), did not immediately return requests for comment.

E&E Climatewire

<https://www.eenews.net/climatewire/stories/1060073239/search?keyword=EPA>

U.S. releases CO2 inventory required by climate treaty

By Jean Chemnick, 2/8/18

U.S. EPA released an inventory of national greenhouse gas emissions yesterday, but the Trump administration has not yet produced a strategy for curbing them as required by a 1992 climate treaty.

The agency's inventory shows that the United States, the world's richest nation, released 15 percent of global carbon dioxide emissions in 2015. It also shows that U.S. emissions in 2016 were 11.6 percent lower than in 2005, a downward trajectory supported by the power sector's shift from coal to natural gas. Warmer winters also contributed to that drop.

The inventory also shows that the U.S. transportation sector tied the power sector as the leading contributor of emissions for the first time. Fossil fuel-based power generation contributed 1,809 million metric tons of CO2 equivalent, while U.S. transportation emitted 1,795 MMT of CO2 equivalent.

The third-largest contributor of emissions in 2016 was forests, due to an unusually active wildfire season.

The State Department will submit the report to the U.N. Framework Convention on Climate Change by April. What's less certain is whether the Trump administration will provide the UNFCCC with a separate national communication and biennial report, which would include policies and measures to ratchet down emissions to address climate change.

The State Department missed a New Year's Day deadline to produce the report to the portal on the UNFCCC's website.

The State Department has said it plans to comply with the requirement, but late. Meanwhile, the Center for Biological Diversity has signaled it might sue the agency if it fails to release the report outlining U.S. actions on climate change.

Jean Su, associate conservation director at CBD, said she looks forward to seeing the mitigation report.

"Overall, though it's a fine step that the U.S. looks on track to submit the greenhouse gas inventory report, it's still failing to be transparent on its critical all-encompassing National Communications and Biennial Reports," she said.

E&E Daily

<https://www.eenews.net/eedaily/stories/1060073217/search?keyword=EPA>

Farmers tell lawmakers of frayed relationship with feds

By Marc Heller, 2/8/18

Farmers who used to see the government as a partner in agriculture now see it as an adversary, a lobbying group told lawmakers yesterday.

"We're scared of our federal agencies now," American Farm Bureau Federation President Zippy Duvall said at a Senate Environment and Public Works Committee hearing on environmental regulation affecting agriculture.

Gone are the days when farmers visited with Department of Agriculture offices in search of partnerships, Duvall said at a hearing where pollution rules related to water and air emissions took a beating from Republican lawmakers.

Farmers want to be good stewards of the land and work with federal agencies, Duvall said, but "we're actually fearful of them because we know they could cost us hundreds of thousands of dollars trying to arrange permitting and hiring consultants and lawyers to get to that point."

A host of regulations, proposed or in place, attracted the committee's attention. Chairman John Barrasso (R-Wyo.) criticized the Clean Water Rule, better known as the Waters of the U.S. rule, for potentially regulating seasonal ditches on farms — an outcome U.S. EPA has said it didn't intend but which has become a rallying point for critics.

Barrasso also took aim at regulations that could force livestock producers to report air emissions tied to manure, under two connected laws: the Comprehensive Environmental Response, Compensation and Liability Act and the Emergency Planning and Community Right-to-Know Act.

A ruling last year from the U.S. Court of Appeals for the District of Columbia Circuit applied those laws to agriculture, which Barrasso and other lawmakers say wasn't intended.

Also on Barrasso's list: the Endangered Species Act and the National Environmental Policy Act, which he said is "at the core of every decision in each land use plan, resource management proposal, trailing and crossing permit, and grazing allotment farmers and ranchers need."

"While environmental analysis can be important, in many cases, completing NEPA takes far too long," Barrasso said.

With the WOTUS rule stymied by courts and the Trump administration — EPA is delaying its applicability date and working on revisions — the CERCLA regulations dealing with air emissions may be gaining more attention from lawmakers.

The circuit court ruling last April overturned a George W. Bush administration rule that exempted all but the largest farms, and EPA guidance hasn't been clear, said the committee's ranking Democrat, Sen. Tom Carper of Delaware.

EPA has asked the court for more time to develop guidance, and Carper said a delay could give Congress a chance to respond through legislation.

Duvall said such a broad application of the CERCLA and EPCRA laws not only burdens farmers who don't have a system set up to report emissions, but could strain federal offices that would suddenly have to field information from as many as 200,000 farms.

Livestock producers might fear for their safety as well, Duvall said, if farm locations become a matter of public record due to the regulations.

The Coast Guard would be responsible for the reports, which are supposed to help federal agencies respond to environmental emergencies, said Sen. Deb Fischer (R-Neb.).

"To me, this really doesn't make a lot of sense," Fischer said. Handling farm reports "is going to jam up the response personnel at the national response center and prevent them from responding, I think, to true emergencies."

Farmers have little way to comply, said Niels Hansen, secretary-treasurer of the Public Lands Council and a cattle rancher in Rawlins, Wyo.

"We have no tools to do that," Rawlins said.

Not every witness was against environmental regulation. Donn Teske, vice president of National Farmers Union, said that WOTUS was poorly crafted without consultation with farmers but that overall he supports environmental laws and believes farmers play a central role in combating climate change.

One topic that wasn't on the agenda — ethanol mandates — popped up when Delaware Agriculture Secretary Michael Scuse touted the renewable fuel standard for boosting the farm economy and benefiting the environment.

That prompted Barrasso to point out that Delaware Gov. John Carney (D) has asked EPA for a waiver from the RFS requirement, citing refineries' complaints about high prices for renewable fuel credits.

Carper jumped in to add that the cost of renewable credits, not the overall RFS itself, is at issue in Delaware. He later told reporters the high cost of the credits needs to be addressed, either by EPA or through legislation.

BNA

Agencies Boost Exchange of Fluorochemicals Data

**received via email from reporter*

By Pat Rizzuto, 2/7/18, 4:19 PM

Federal scientists are sharing more information on fluorochemicals to aid water treatment, cleanup, and other decisions facing state and federal regulators across the U.S.

More than 150 federal, state, and academic scientists attended a two-day Federal Information Exchange this week on per- and polyfluoroalkyl substances (PFAS), Linda Birnbaum, director of the National Institute of Environmental Health Sciences, told Bloomberg Environment Feb. 7. The meeting was held Feb. 5-6 at the National Institutes of Health in Bethesda, Md.

"Participants shared ongoing research and achieved a better understanding of the science behind decision-making regarding PFAS," Birnbaum told Bloomberg Environment.

The meeting will help future information-sharing across federal agencies, Birnbaum said. It also marked an important step toward coordinating research efforts across federal agencies—along with their state partners—to address PFAS challenges, she said.

"Protecting the safety of our nation's drinking water is one of EPA's top priorities, and the information exchanged between our federal partners over the past few days will help us as we work together to support states, tribes, and local governments with the tools needed to address PFAS," EPA representative Jahan Wilcox told Bloomberg Environment.

David Andrews, a senior scientist with the Environmental Working Group, applauded the federal-state information exchange even though he did not attend the meeting, which was closed to nongovernment organizations.

"Sharing information will empower states to step in where the federal government has left off," Andrews said.

Multiple Uses

Fluorochemicals, often referred to as PFAS, have multiple consumer and industrial uses because they can make products heat-, stain- and grease-resistant.

Companies including 3M, Angus Fire, the Chemours Co., and Solvay S.A. have produced or used these chemicals to make stain-resistant upholstery, waterproof apparel and footwear, specialized fire-fighting foams, and grease-resistant food packaging such as pizza boxes, popcorn bags, and hamburger wrappers.

People exposed to elevated concentrations of one of the most studied fluorochemicals, perfluorooctanoic acid (PFOA), faced greater risk of testicular and kidney cancer, thyroid disease, autoimmune disorders, and elevated cholesterol, a court-ordered science panel, found.

The increasing detection of PFAS chemicals in sources of drinking water and contaminated sites across the U.S. is prompting states, water utilities, and responsible parties to spend millions of dollars, and spurring toxic tort and property damage litigation.

Exposure, Treatment

Among the federal officials who spoke during the Feb. 5-6 meeting were Birnbaum, Patrick Breysse—the director of two Centers for Disease Prevention and Control agencies—and Maureen Sullivan, a deputy assistant secretary with the Department of Defense.

Research areas discussed included exposure to, health effects of, and remediation and treatment methods for the group of chemicals that some researchers estimate may include 3,000 types of compounds.

Federal agencies may establish a central internet website that links to their divergent PFAS research efforts, NIEHS Chief of Staff Mark Miller said Jan. 29 at a Toxicology Forum session discussing fluorochemicals. The first step, he said, was to identify the scope of federal research in this area.

Empowering States

States are eager to get information on health effects, cleanup technologies, and other data about PFAS chemicals because of their prevalence.

The Environmental Protection Agency has identified at least 17 non-federal contaminated sites with PFAS, according to a [list](#) it provided Bloomberg Environment. The list also includes 32 federal facilities where PFAS contamination may impact drinking water.

CDC's Agency for Toxic Substances and Disease Registry is working at more than two dozen federal and non-federal sites, according to [information](#) it updated Jan. 10.

A Bloomberg Environment [analysis](#) of EPA water contaminant data found that 65 water utilities across 24 states and territories had at least one sample above the lifetime health advisory that the Environmental Protection Agency set for just two of the PFAS chemicals: perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA). EPA's non-enforceable health advisory level for the two compounds is 70 parts per trillion.

Collectively, these drinking water utilities serve more than 6 million people, and have prompted states and responsible parties to spend millions of dollars in cleanup efforts.

State, federal, and academic officials attending meetings and speaking with Bloomberg Environment have estimated the number of PFAS-contaminated sites and water sources—and cleanup funds that may be needed—could be much higher.

E&E News PM

<https://www.eenews.net/eenewspm/stories/1060073187/search?keyword=EPA>

Group sues for access to scientific-integrity documents

By Amanda Reilly, 2/7/18

An environmental group filed a lawsuit yesterday seeking documents related to U.S. EPA science in the wake of Administrator Scott Pruitt's decision to bar staffers from presenting climate change studies at a conference last October.

Public Employees for Environmental Responsibility (PEER) says the agency failed to respond to a Freedom of Information Act request that sought research objectives and communications related to its scientific integrity policy.

EPA also failed to furnish documents illuminating the policies that guide staff participation in events, the lawsuit contends.

"PEER now turns to this court to enforce the FOIA's guarantee of public access to agency records," said the complaint, filed in the U.S. District Court for the District of Columbia.

PEER said its December FOIA request stemmed from concerns that EPA was impeding the Office of Research and Development from "freely disseminat[ing] its scientific research."

The green group cited EPA's decision in October 2017 to cancel the presentations of two agency scientists and a consultant at a conference convened in Narragansett Bay, R.I., for the release of a major report on the status of New England's largest estuary. The report included an extensive section on climate change (Greenwire, Oct. 23, 2017).

Democrats responded by accusing Pruitt of "muzzling" EPA scientists.

For his part, Pruitt attempted to reassure Democrats that he wouldn't stop scientists from publicly discussing their work. He told Sen. Sheldon Whitehouse (D-R.I.) that "procedures have been put in place to prevent such an occurrence in the future" (E&E News PM, Dec. 6, 2017).

"I am committed to upholding EPA's Scientific Integrity Policy, which ensures that the Agency's scientific work is of the highest quality, is presented openly and with integrity, and is free from political interference," Pruitt wrote in a December letter to Whitehouse.

PEER used the letter as a basis for its FOIA request. The group is seeking a court order compelling EPA to release the requested documents.

"The head of the U.S. Environmental Protection Agency promised lawmakers that there would be no recurrence," PEER said in a statement. "EPA Headquarters, however, has been unable or unwilling to produce any written records describing these corrective actions."

Politico

<https://www.politicopro.com/agriculture/article/2018/02/grassley-moves-to-free-northey-cruz-refuses-to-budge-329692>

Grassley moves to free Northey, Cruz refuses to budge

By John Lauinger, 2/7/18, 8:49 PM

A nasty spat over the Renewable Fuel Standard that has left USDA undersecretary nominee Bill Northey in limbo spilled onto the Senate floor on Wednesday — but none of the sniping got the lowan any closer to being confirmed.

Sen. Chuck Grassley, the Republican senior senator from Iowa, filed for unanimous consent in a bid to move Northey's nomination to the floor for consideration. But Sen. Ted Cruz refused to relinquish the hold he placed on Northey back in October, delivering a speech on Renewable Identification Numbers, or RINs — a component of the RFS that he says threatens the jobs of "tens, if not hundreds of thousands" of refinery workers, including many in his home state.

EPA uses the RINs to ensure that refiners are blending the required amounts of biofuel into the nation's fuel supply. The issue has divided the oil industry for more than a year, as a small group of independent refiners have complained that when RINs become expensive, their bottom lines take a hit.

"On substance, there is a win-win solution here," the Texas Republican said. "I want a win for blue-collar refinery workers and a win for Iowa corn farmers."

Cruz pointed the finger at ethanol industry lobbyists who refuse to come to the table to negotiate for the continued holdup that has kept Northey, the Iowa agriculture secretary, from filling a key position as undersecretary for farm production and conservation in Agriculture Secretary Sonny Perdue's reorganization of the USDA.

Back in late October, when Cruz and a group of other GOP senators first held up Northey's nomination, they demanded a meeting with the White House to broker a compromise on the RFS program. They were angry that Grassley, Sen. Joni Ernst (R-Iowa) and other corn-belt senators had pressured EPA Administrator Scott Pruitt into committing to reverse proposed cuts to biodiesel and cellulosic ethanol volumes under the RFS. EPA also scrapped plans to allow biofuel credits for exported biofuel, a move that would likely have lowered market prices for biofuel credits.

The Cruz contingent got their meeting at 1600 Pennsylvania, and the December pow wow ended in the parties agreeing to let industry groups on both sides of the issue settle the dispute.

"Forty-eight days have passed and that meeting still hasn't taken place," Cruz said on the floor, "because, unfortunately, a handful of lobbyists representing the ethanol industry have taken the position that they are unwilling to meet ... and, apparently, if thousands of people in refineries lose their jobs, that's not their problem."

He blamed "Wall Street speculators" for driving up the prices of RINs, and added that the largest refinery on the East Coast, Philadelphia Energy Solutions, recently entered into bankruptcy and cited in its court filing that rising RIN prices were the "primary driver."

Grassley got bipartisan backing in his effort to free Northey's nomination from three members of the Senate Agriculture Committee — Ernst, ranking member Debbie Stabenow (D-Mich.), and Amy Klobuchar (D-Minn.).

Stabenow argued the disagreement should be "at least moved to a different debate," so Northey, whose selection was announced at the beginning of September and who cleared the committee with unanimous support, could begin to work on issues critical to America's farmers and ranchers.

"It's important to note that Mr. Northey's leadership is needed now on a number of issues, including the fact that ... he would be in charge of disaster recovery for our farmers," she said, speaking only a few hours after the Senate reached a spending deal that includes emergency funding for farmers and ranchers reeling from last year's hurricanes and wildfires.

Ernst reflected on young Iowa farmers who are trying to get by at a time of depressed commodity prices. "That young farmer needs Washington to get out of the way and give them an opportunity to thrive," she said.

Grassley argued that Cruz's concept of capping RIN prices would not work and said he was surprised "a free-market person" like Cruz would suggest that government impose new regulations. He also disputed Cruz's argument about the failure of Philadelphia Energy Solutions, saying the company "cannot pin its problems on the RFS." He cited a study by his staff that blamed various market forces, along with the company placing the wrong "bet" by not investing in blending infrastructure required to meet the RFS mandates.

"The facts don't add up very well for the people making the argument that the RIN prices are the problem," he said.

Cruz hit back at Grassley for saying that his proposal conflicted with his free-market opinions. "If RINs were an actual commodity that exists in the real world, I would agree with that," he said, adding: "RINs are an artificial, made-up government fiction."

Cruz also attacked Stabenow and Klobuchar for offering "no relief whatsoever" to the job losses that he said could hit the refinery sector, which he said threaten 22 of 27 refineries in Texas alone.

Wednesday's debate prompted responses from industry groups on both sides of the issue.

Scott Segal, a founding partner of the Policy Resolution Group, which represents merchant refiners, said Cruz is right in arguing that the "byzantine renewable identification numbers mechanism" has put "some merchant refiners at risk."

"The quickest way to confirm Northey is an open and transparent negotiation on RFS implementation including refiners, agriculture, the Executive Branch and other interested parties," Segal said in a statement.

But Kevin Skunes, president of the National Corn Growers Association and a North Dakota farmer, said Cruz is attempting to "undercut" a program that has been "successful and beneficial" for corn farmers.

Detroit News

<http://www.detroitnews.com/story/news/local/michigan/2018/02/07/toxic-vapors-michigan-hundreds-evacuation/110212116/>

Toxic vapor tests lag for thousands of Michigan sites

By Michael Gerstein, 2/7/18, 11:12 PM

Sturgis — Daniel Arroyo has lived in this southwest Michigan town for nearly 20 years, unaware his family has been near some of the country's most polluted land until toxic fumes forced state officials in 2016 to evacuate their house.

The 67-year-old factory worker's family lives less than a football field away from a pump that extracts and cleans a toxic metalworking chemical from a groundwater plume. It is a Superfund site, where the U.S. Environmental Protection Agency is helping with cleanup because of excessive pollution.

Air inside the Arroyo family home tested for unsafe levels of trichloroethylene, or TCE vapors, detected after a five-year federally required Superfund review recommended the state do the test.

The family stayed in a nearby hotel for about a month as workers installed a machine to clean TCE from the indoor air, said Tanya Arroyo, Daniel Arroyo's teenage daughter. The compound was used in metal degreasing agents but is known to cause neurological damage and potentially cancer in high enough doses.

Workers have returned in recent weeks to make sure it's still OK to breathe, but the Arroyos remain skeptical.

"We're not sure if there's still air in the house that could be bad for us," Tanya said. "If we get sick, we don't know if it's because of that or not."

The family is not unique. They were among 276 Michigan residents who were ushered out of or barred from homes, apartments, nonprofit locations and a preschool center in Detroit, Grand Rapids and Sturgis between May 2016 and February 2017 because of potentially cancerous fumes, according to Michigan Department of Environmental Quality documents obtained through a Detroit News open records request.

At least another three people were vacated from one Detroit business in August 2017, the state separately confirmed.

In February 2017, DEQ Director Heidi Grether told state lawmakers that there could be more than 4,200 potential vapor intrusion sites across Michigan posing a "significant public health threat."

Across the state, health and environmental regulators are playing catch-up with industrial chemicals that remain in the ground or water long after they were first introduced. Solvents such as TCE, the compound that polluted the air inside of the Arroyos' home, can evaporate and drift into nearby buildings.

The temporary abandonment of homes and properties for what is called "vapor intrusion" can come as a shock to owners and tenants, who often have no idea they resided or worked near potentially dangerous pollution sites.

The Detroit News requested the state records after a DEQ official said "several" people were relocated from the Detroit preschool. State documents showed the actual number was 224, representing the largest removal of people in Michigan.

Thirty-five people were evacuated from five buildings in Grand Rapids. Seventeen people were escorted out of three homes in Sturgis, but the two other home owners declined interviews with The News.

The Detroit preschool center is closed by a local health department order until further notice.

The state has a list of 3,005 vapor intrusion sites across Michigan with Metro Detroit making up more than 40 percent of the listed locations. Detroit alone contains 362 locations where vapor intrusion might pose a problem, or 12 percent of the DEQ's listed sites.

The other 1,200-plus sites are an extrapolation of other unspecified potential sites among an estimated 6,300 underground storage tanks that have leaked or are leaking.

State environmental officials said they are fighting toxic vapors without enough staff or funding. The department hired another three people in 2017 and paid for equipment, lab analysis and other expenses related to investigation with the \$2.6 million it received from the Legislature to fight vapor intrusion, which includes \$1 million in supplemental funding.

The overwhelming number of locations means state regulators wait to be informed about problems by property owners, complaints from neighbors, environmental assessments required of new construction projects or reviews mandated by the EPA.

"Yes, there are thousands of sites, yet we can't just snap our fingers and evaluate those thousands of sites," said Michael McClellan, deputy director of environment for the DEQ.

It is unlikely the state will ever test all of the more than 4,200 contaminated sites, Grether said.

Vapor intrusion is a small portion of all of Michigan's environmental problems, which includes the emerging threat of PFAS contamination, Gov. Rick Snyder said Wednesday.

"You can't do it all overnight," Snyder said at a press conference about his fiscal year 2019 budget plan. The state is addressing "the most difficult and the most challenging situations first" before working on "a systematic way to take it one after another," he said.

It worries some lawmakers, although most have not made state aid for vapor cleanup a priority.

"I am very concerned that we have funding," said Rep. David LaGrand, D-Grand Rapids.

EPA prompts state action

New EPA guidelines in 2015 prompted state regulators to recognize vapor intrusion as a larger threat to human health than previously thought. The federal agency did not previously include vapor intrusion testing in its reviews, but new 2015 guidelines prompted a greater focus on the problem.

Environmental regulators didn't realize before that TCE or other solvent vapors can be harmful at levels once presumed safe, said Kathy Shirey, acting director of the state DEQ's Remediation and Redevelopment Division.

In residential indoor air samples, the state may require remediation if TCE levels exceed 2 micrograms per cubic meter. The state recognizes levels that exceed 67 micrograms per cubic meter as unsafe in residential soil vapor samples.

Air samples of TCE at the Vistas Nuevas Head Start in Detroit tested as high as 44 times above the state action level, while the soil results were more than 8,000 times higher, according to the DEQ.

The threshold for tetrachloroethylene, or perc, is 41 micrograms per cubic meter for indoor air samples in both residential and nonresidential buildings. The standard for residential soil vapor samples is 1,400 micrograms per cubic meter and 2,700 micrograms per cubic meter for nonresidential samples.

One gram is equivalent to 1 million micrograms. For comparison, a teaspoon of sugar is equivalent to about 4 grams, or 4 million micrograms.

Aside from an increased cancer risk and neurological damage, studies have shown a link between TCE exposure and chronic respiratory diseases, although it's often impossible to know for sure how much damage the solvent does in particular cases, health experts said.

The Detroit Health Department said a 24-hour air sample found concentrations of toxic vapors usually were lower in the child care location, but did not say by how much. The department also did not return subsequent emails or calls from The News.

The department said it notified all people who "may have spent time in the building of the potential risk" and referred them to their primary care physicians.

"To date the health department is not aware of any specific health effects directly related to the trichloroethylene on this property," the Detroit agency said.

State health and environmental officials said the risk is a cause for caution, not panic. There's not enough data to know the full scope of the problem, they said.

"I don't think people should be alarmed," said Kory Groetsch, environmental public health director for the Michigan Department of Health and Human Services. "Be aware. Be knowledgeable."

The state is forced to foot the bill for many cleanup efforts because of problems with the original polluters, said David Bandlow, a DEQ environmental analyst in Grand Rapids. Those companies often have folded by the time the vapor problem is detected and can't be tapped to finance the clean-up, he said.

"That's a huge problem," Bandlow said. Often, "there's really no paper trail left to track down any liability."

Detroit closure a 'surprise'

Preschool-age children had been going to the Vistas Nuevas Head Start school in Detroit for more than a decade without a whiff of trouble.

But in late October 2016, 80 kids and 144 adults were barred from the building on the western edge of Corktown because of potentially cancerous fumes wafting from decades-old, metal-working pollution from the former Lincoln Brass Works factory.

"It came as a complete surprise to us that there was an issue," said Brad Coulter, president and CEO of Matrix Human Services, which ran a Detroit preschool program for disadvantaged children in the building.

There was no prior notice that old pollution might be a health risk to kids and workers, Coulter said.

The building's owner, Rosa Parks LLC, found high levels of TCE in the indoor air after conducting required environmental tests that weren't done in 2011 when the company bought it, according to the DEQ. Now the building is closed by a local health department order.

It's not clear whether anyone who was in the building for long periods of time faces health problems. Matrix Human Services and the Detroit Health Department sent letters to more than 1,000 parents of children who attended the Detroit preschool program to say their kids should be seen by a doctor if they were concerned.

A July study commissioned by Matrix showed the building was safe if it was well-ventilated, so staff could finish moving to a new office location in Detroit.

The city denied an open records request from The News seeking names and contact information of the letter recipients. Head Start students at the Rosa Parks site may have gone to any of the 24 other locations the organization has in Detroit.

In Grand Rapids, evacuees were found to have a higher level of a dry-cleaning solvent in their blood than the general population, but the health risk is uncertain.

Neither the Detroit Health Department nor the state took blood samples of the children or adults exposed to Matrix's former Corktown site.

Evacuations begin in 2016

The earliest known vapor intrusion evacuation was ordered by the state's health department in May 2016 in Grand Rapids, where 33 people initially abandoned four buildings, according to DEQ documents and the Kent County Health Department. Two more people were later vacated from a photography studio in June 2016.

The vacated photography studio on Ellsworth Avenue was contaminated by a former solvent retailer and recycler, according to the DEQ and Kent County Health Department. Property on Hall Street, where the Red Project nonprofit dedicated to preventing AIDS was once located, was polluted by an old dry cleaner; another building near Leonard Street NW was marred by a leaky underground storage tank beneath a gas station, the DEQ's Bandlow said.

Workers at an urban renewal nonprofit called Seeds of Promise, near Hall Street and adjacent to the Red Project, also were among those evacuated.

Blood samples of the evacuees were sent to the U.S. Centers for Disease Control and Prevention and found higher blood levels of perchloroethylene or perc than the general population, said Adam London, administrative health officer for the Kent County Health Department.

Officials shared the results with those who were exposed and referred them to toxicology experts for help understanding them, London said.

He said he could not speculate on whether the exposure led to health problems for the 35 Grand Rapids evacuees. But London said perc, in general, can cause neurological damage and increase the risk for cancer.

"I think that's a frustration that we have and we share with people who live near historical industrial contamination — that our understanding of exactly what those risks are is still incomplete," he said. "We don't really know what the relative risk is, but we know that there is a danger involved."

Spillover in Sturgis

In Sturgis, the pollution problems were known to government agencies and companies, but not all nearby residents. The EPA put it on its National Priorities List in 1984.

"People may be exposed to contaminants through inhalation of volatile contaminants," noted a 1993 U.S. Department of Health and Human Services report, which recommended air sampling near the underground plume.

But that didn't happen until 23 years later, when the state's Health and Human Services Department evacuated three homes in the small southwest Michigan city between October 2016 and February 2017.

Seventeen people were put up in hotels by Newell Brands Inc. — which bought the former Kirsch Co. manufacturing operation blamed for legacy pollution in the area from Cooper Industries in 1997 — while the indoor air was cleaned up, according to the DEQ.

State Rep. Aaron Miller, R-Sturgis, said state officials did not inform him about the evacuations.

"That itself speaks to the fact that I don't think it was all that transparent," Miller said.

The DEQ oversaw Newell Brand's installation of mitigation systems in another five homes that were not evacuated near the old Kirsch site.

Ten more nearby homes received machines from Newell in September to clean up pollution underneath them before it poses a vapor problem, said Jessica Ferris, a DEQ project manager who oversees the Sturgis Superfund site. A commercial building also installed a mitigation system.

In total, 38 homes in the area were tested for a potential vapor problem. Six home owners did not allow the DEQ access despite repeated attempts and could be in danger, Ferris said.

The situation instills not only health fears but financial anxiety for some affected families.

Daniel Arroyo has lived in his Sturgis house since 1998, five years after emigrating from Guerrero, a Mexican state now marred by drug cartel violence. But he and his family were not aware until the past year that they lived near a noxious well field.

"If they would have known before that it was contaminated, they wouldn't have bought the house," Tanya Arroyo said. "(My father's) concern right now is if he tries to sell it, nobody's gonna want to buy it because it's contaminated."

Karen Story

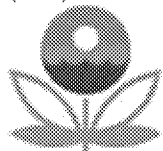
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Message

From: Story, Karen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FFF41F1CC124408DB453568EE46259F4-STORY, KAREN]
Sent: 2/8/2018 4:14:51 PM
Subject: Regional News Clips - Thursday, February 8, 2018

Region 2 News

[Bellport sewer line extension plan gets boost from \\$30K grant](#) (NEWSDAY; February 8, 2018)

Brookhaven Town has been awarded a \$30,000 state environmental grant to study connecting Suffolk County sewer lines to a commercial center in North Bellport.

[Southold erosion control plan would cost \\$14.5M, Army Corps says](#) (NEWSDAY; February 7, 2018)

A \$14.5 million plan to provide flooding and erosion relief along Hashamomuck Cove would be too costly for the town to sponsor, the Southold Town Board concluded, leading residents and town, county and federal officials to propose other funding ideas Wednesday.

[New Jersey Environmentalists Blast Trump Offshore Drill Plan](#) (U.S. NEWS & WORLD REPORT; February 7, 2018)

New Jersey environmental leaders fear that an oil spill off its famous beaches would devastate its \$44 billion tourism economy, and are rallying opposition to President Donald Trump's plan to open most of the nation's coastline to drilling.

[Proposed legislation causes buzz among beekeepers](#) (NEW JERSEY HERALD; February 7, 2018)

In recent years, the plight of the American Honeybee has become something of a national conversation.

[Lake Ontario salmon catch rate sets record](#) (BUFFALO NEWS; February 7, 2018)

Salmon fishing was the best it's ever been in 2017.

[The Catskills, NYC and the FAD — The Balance of Clean Water with Local Sustainability](#) (THE REPORTER; February 6, 2018)

There is virtually nothing more important than protecting our drinking water.

[NYS Officials Deliver PFOS Filtration Update Amid Community Concerns](#) (WAMC-NPR; February 6, 2018)

New York state Department of Environmental Conservation and Health Department officials were in Newburgh Monday night to provide an update on the city's new carbon filtration system to filter PFOS contamination from the city's drinking water. Many residents voiced concern about switching to the state-funded system. WAMC's Hudson Valley Bureau Chief Allison Dunne reports the date for testing the system has been pushed back.

National News

House Committee Hearing on Glyphosate

[AP - GOP lawmakers take aim at cancer research group over Roundup](#)

[Politico - Lawmakers criticize cancer research group over study on glyphosate](#)

[E&E Daily - WHO rebuts GOP, media on glyphosate cancer warning](#)

[Agri-Pulse - IARC criticized, defended at House Science hearing on glyphosate](#)

[InsideEPA - EPA poised to seek input on glyphosate reviews](#)

General

[News 3 Las Vegas - EXCLUSIVE: EPA Chief Scott Pruitt goes one-on-one with News 3](#)

[E&E Climatewire - Pruitt suggests warming can help humans](#)

[Tampa Bay Times - EPA administrator Scott Pruitt visits Florida, avoids biggest environmental issues in state](#)

[E&E Greenwire - Pruitt wants to 'eradicate lead.' Is that possible?](#)

[The Hill - Dem senators demand EPA chief recuse himself on clean power plan rulemaking](#)

[Washington Post - The Energy 202: Democratic senators demand Pruitt recuse himself from rewriting Clean Power Plan](#)

[Daily Caller - Trump Repealed One EPA Regulation And Brightened Coal Country's Future](#)

[AP - Senate committee advances coal lobbyist to serve at EPA](#)

[Bloomberg - Before Senators Advanced Him for EPA Job, This Lobbyist Fundraised for Them](#)

[AP - Attorneys general sue Trump administration over water rule](#)

[The Hill - States, greens sue Trump over Obama EPA water rule delay](#)

[The Hill - Dem senator questions EPA on stark decline in grant awards](#)

[E&E News PM - Steep decline in grant funding may be unlawful — Carper](#)

[Washington Examiner - Sen. Tom Carper, EPA spar over climate grant program](#)

[E&E Climatewire - Lawmakers urge caution after damaging study](#)

[Politico - Court gives EPA more time on overdue ozone designations](#)

[E&E Greenwire - Sierra Club sues over EPA about-face on power plant permitting](#)

FULL Articles Region 2 News

NEWSDAY

[Bellport sewer line extension plan gets boost from \\$30K grant](#)

The state funding will pay for a preliminary study on connecting the Greater Bellport Hamlet Center to Suffolk's Harrison Avenue Sewage Treatment Plant.

By Deon J. Hampton

February 8, 2018

Brookhaven Town has been awarded a \$30,000 state environmental grant to study connecting Suffolk County sewer lines to a commercial center in North Bellport.

Brookhaven Town Supervisor Edward P. Romaine on Wednesday said preliminary work on the study has begun.

"Once this report is done, we can go on to the next step and try to secure funding" to extend sewer lines, Romaine said in a phone interview.

The New York State Department of Environmental Conservation grant would be used to prepare an engineering plan, map of the area and a report on how a sewer system would connect the Greater Bellport Hamlet Center to Suffolk County's Harrison Avenue Sewage Treatment Plant.

Romaine said he believes some funding could become available through Gov. Andrew M. Cuomo's \$2.5 billion Clean Water Infrastructure Act, or possibly under President Donald Trump's plan for infrastructure.

"The economic revitalization of the Greater Bellport Hamlet Center relies greatly on a future connection to the sewage treatment plant," Romaine said in a statement. "I have met with many property owners and business people in the Bellport community and there is a new sense of progress and enthusiasm for the future."

A 2013 sewer feasibility study commissioned by Brookhaven found connecting to the plant was environmentally safe and would foster new development.

Brookhaven's 2014 Greater Bellport Land Use Plan envisioned a transit-oriented downtown that would support a train and sanitary infrastructure.

Extending sewer connections to the Montauk Highway corridor in Bellport also has been identified as needed for economic development in the area.

"Moving forward on a sewer line to service Bellport has been a top priority of mine since taking office," Brookhaven Councilman Michael Loguercio said in a statement. "Their absence has been a deterrent to the development of new business and harmful to the environment. I expect that once the sewers are in, we'll see a real turnaround in the local economy."

NEWSDAY

Southold erosion control plan would cost \$14.5M, Army Corps says

The plan needs a local sponsor to pay 10.5 percent of the costs to protect properties along Hashamomuck Cove, but town officials say the costs are too high.

By Jean-Paul Salamanca

February 7, 2018

A \$14.5 million plan to provide flooding and erosion relief along Hashamomuck Cove would be too costly for the town to sponsor, the Southold Town Board concluded, leading residents and town, county and federal officials to propose other funding ideas Wednesday.

Stephen Couch, deputy chief of the planning division of the U.S. Army Corps of Engineers, said the main purpose of the hearing was "to initiate some of the discussion on local sponsorship" of the project that would truck in 216,000 cubic yards of sand to build a 25-foot-wide berm to shore up the area over a year, then rebuilding it with 64,000 cubic yards of sand every five years.

Town Supervisor Scott Russell and other town board members reiterated their stance that the cost of having the town act as a local sponsor were too high, and they were wary of setting precedents for the town having to pay for upkeep to private properties.

The \$14,560,000 project needs a local sponsor to pay a 10.5 percent share of the project — meaning local costs of \$1,529,000 for the initial construction costs and \$546,000 for the renourishment — according to the corps' feasibility study. Southold officials calculated their local costs could be as high as \$5,096,000 if the town acts as the local sponsor.

Residents and local officials at Wednesday's hearing at the Peconic Community Center raised concerns about the costs, time frame, environmental impact and possible solutions for erosion plaguing properties owned by more than 70 people on a 1.5-mile stretch of County Road 48 facing the Long Island Sound.

Hirant Candan, who has property along the road, asked if the town had calculated how much money it would lose if homes in that area were ultimately lost from erosion. Kate Phelan, another property owner, suggested the county and the town could partner to act as a local sponsor.

Abdul Sada, a representative for Suffolk County Executive Steve Bellone, said after the meeting that the county was awaiting completion of the feasibility study before the county legislature and Bellone could make a decision on whether to act as the project's local sponsor.

Another idea floated at the meeting was for property owners to tax themselves for the funds to become the sponsor. Russell said the town would hold meetings to discuss that option.

"If it's going to keep my home from falling into the water, I'm willing to do that, even though I already pay extra taxes because I'm on the water," Phelan said of the taxing district idea.

U.S. NEWS & WORLD REPORT

New Jersey Environmentalists Blast Trump Offshore Drill Plan

New Jersey's leading environmental groups are rallying opposition to President Trump's plan to allow oil and natural gas drilling off most of the country's coastline.

By WAYNE PARRY, Associated Press

February 7, 2018

New Jersey environmental leaders fear that an oil spill off its famous beaches would devastate its \$44 billion tourism economy, and are rallying opposition to President Donald Trump's plan to open most of the nation's coastline to drilling.

More than a dozen groups held a rally in the driving rain Wednesday on the Asbury Park boardwalk, calling on the federal government to drop the plan. They said the risk of a catastrophic oil spill is real — and completely preventable by not allowing offshore drilling.

The gathering was one of many similar events that have taken place around the country since the plan was announced on Jan. 4, and elected officials from both parties have joined to oppose it.

"What Trump did was target the oceans from one end of the country to the other," said Jeff Tittel, director of the New Jersey Sierra Club. "We are going to send a very clear message to the fossil fool in the White House: hands off our beaches."

Many business and energy groups support the plan, saying it will enable America to be less dependent on foreign energy. In announcing the plan to open up the outer continental shelf for drilling, the U.S. Interior department said offshore drilling will enable the country to better compete with other oil-rich nations.

"By proposing to open up nearly the entire OCS for potential oil and gas exploration, the United States can advance the goal of moving from aspiring for energy independence to attaining energy dominance," said Vincent DeVito, a counselor for energy policy at the Interior department.

The department's Bureau of Ocean Energy Management is holding meetings around the country to answer questions about the plan. But those meetings will not include public testimony. Instead, those wishing to comment must submit written testimony online or hand-deliver written copies to officials at the meetings, including one Feb. 14 just outside Trenton.

That was one of the main reasons the environmental groups held their rally Wednesday — to let as many people as possible speak out against the drilling plan.

"Frankly, I'm (angry) I have to be here again," said Tim Dillingham, executive director of the American Littoral Society. "What does it take for the federal government to understand that the people of New Jersey want a clean, wild, pristine ocean? Once again, we have to tell the federal government 'Keep your hands off our ocean.'"

"The Trump administration has blatantly disregarded the voices of the public and elected officials from both parties who have clearly opposed offshore drilling since Day 1," added Samantha Kreisler of the NY/NJ Baykeeper group.

Doug O'Malley, director of Environment NJ, cited the damage from the Deepwater Horizon disaster in the Gulf of Mexico.

"The ocean and the Gulf took a body blow," he said. "We don't want to see those impacts anywhere near the Jersey shore."

NEW JERSEY HERALD

Proposed legislation causes buzz among beekeepers

By Katie Moen

February 7, 2018



In recent years, the plight of the American Honeybee has become something of a national conversation.

Here in New Jersey, where hobbyist beekeeping has become increasingly popular, legislators are working to find the right balance between protecting honeybees from harm and making sure that their presence in residential areas does not cause a disturbance.

On Jan. 22, two bills, long-supported by beekeepers and sponsored by Assemblymen Ron Dancer and Parker Space that aim to shield bees from pesticides were signed into law.

The first, designated A3398/S2076 in state records, states that anyone who plans on applying pesticides within three miles of a registered or native beehive must notify registered beekeepers of their intentions.

Both commercial and hobbyist beekeepers would need to register with the state Department of Environmental Protection by March 1 of each year in order to be placed on the notification list.

The second bill, designated A3400/S2078, mandates that anyone who would seek to apply pesticides in the state of New Jersey be required to complete a training or continuing education course on the effect of pesticides on pollinating bees.

"Pesticides kill bees either through direct contact or, even more deadly, when a bee comes in contact with an insecticide and carries it back to the colony, contaminating the pollen or nectar," explained Space (R-Sussex, Warren, Morris).

"People who apply pesticides will now be required to receive proper training which will help protect the state's vital bee population."

While the new pesticide bills have been widely cheered by apiarists, beekeepers say that another proposed resolution, drafted by the New Jersey Department of Agriculture (NJDA) and currently under review, is far too restrictive in nature.

"There has been a huge surge in backyard beekeeping in the last 10 years or so," said Janet Katz, president of the New Jersey Beekeepers Association. "For the most part, hobbyist beekeepers always have tried to adhere to a set of good-neighbor guidelines, including keeping hives away from property lines or public areas, providing a water source near the hives so the bees don't go looking for water in your neighbor's swimming pools, and trying to recover swarms as quickly as possible. Up until now, most of the state legislation that has been passed about bees has been intended to protect them."

Under the terms of the proposed resolution, however, all of that could change in a big way.

"When backyard beekeeping began to get more popular and people began to take notice of the surge, many municipalities around the state started to draft their own resolutions to regulate or even ban hives on residential properties," Katz said. "(The New Jersey Beekeepers Association) drafted a template ordinance based on our knowledge of good practices that these different governing bodies could choose to adopt to limit altercations between keepers and their neighbors. That way, standards could be established on a case-by-case basis. This new resolution is more of a blanket statement that won't allow for much interpretation at the municipal level. When we heard that the Department of Agriculture was going to get involved, we were thrilled. We thought they would help us come up with a solution that worked for everyone. We were wrong."

If approved, the new regulations would, among other things, limit the number of hives that a beekeeper can have on properties of a certain size.

Residential lots that range in size from one-quarter of an acre up to five acres would be permitted under the proposed legislations to have up to two full hives and one nucleus -- a smaller starter colony or secondary hive structure that can be used to relocate swarms.

The drafted resolution indicates that "the initial limitation in number of hives in each density standard is due to increased conflict potential in residential areas when beekeepers try to have larger numbers of hives. The larger numbers create (and have created) stress on adequate sources of water, poor swarm management, and excess honey production with no outlet (as the hobbyist by definition is not engaged in commercial business)."

Space, when asked about the proposed changes, said the Department of Agriculture should be focusing its efforts on teaching people about the benefits of beekeeping rather than looking for ways to restrict it.

"I believe these proposed rules will negatively affect beekeepers, farmers and small business owners throughout New Jersey," Space said in an official statement to the Department of Agriculture. "The (original) legislation my colleagues and I supported was designed to protect beekeepers from overzealous government regulation -- not to enhance it. The law was intended to protect the state's commercial and recreational bee industry and heighten public awareness about its importance to our food supply."

Katz, who currently keeps four hives on her one-acre property in Chester, said the proposed rules would be "prohibitive at best" for hobbyist beekeepers.

"The proposed regulations would prohibit any kind of deviation from these standards for new beekeepers," she said. "Anyone who has less than a quarter of an acre would not be allowed to have any hives whatsoever, which in a densely populated state like New Jersey, really limits the opportunity for new people to get involved in a hobby that has been proven to provide a slew of benefits for neighboring communities. The larger problem here is that these rules only apply to beekeepers who agree to register their hives. Hive registration is important because it helps the state to keep track of colonies that have been affected by mites or disease and to prevent those problems from spreading. If these rules go into effect, people are simply going to stop registering and try to stay under the radar."

Recently, at an annual introductory course offered by the Sussex County Beekeepers Association, the proposed regulations raised a number of similar concerns among would-be beekeepers.

"We had about 80 people turn out to take the class, which shows you how popular backyard beekeeping has become," said course instructor and beekeeper Dan Perez. "The course is held every year to teach responsible practices for good beekeeping. As part of that responsibility, we strongly encourage hive registration because we recognize how important it is."

"This year, though, I had at least a dozen people come up and tell me that they wouldn't be doing it because they didn't think they would be able to keep up with these proposed rule changes. As it stands right now, these regulations would cause more problems than they would solve. They're taking the joy out of beekeeping. I shouldn't have to stand in my backyard and wonder if I will have to use my license to practice law to protect my honeybees."

Established beekeepers like Katz who already have more hives than would be permitted under the new law would only be permitted to keep their current number of colonies after obtaining a waiver from the local government.

The waiver application, Katz said, is almost self-defeating in nature.

"The entire purpose of the state legislation was to make sure that beekeepers were not at the mercy of these individual municipalities that might not have a working knowledge of the benefits associated with beekeeping and could instead only focus on the negative interactions between neighbors," she said.

"Since the waivers that we would need to exceed these density limitations would be granted through local governments, it puts us right back at square one. The other problem here is that these waivers are ridiculously complicated. You have to submit certified letters to all of your neighbors to alert them that you have bees, get your hives certified as disease free by a professional inspector, be able to prove that you have never had a conflict because of your bees and so on and so forth until it just gets too frustrating to think about."

In addition to density regulations and waivers, the proposed rules would also require beekeepers to construct large barriers of at least six feet in height around their hives and agree to participate in continuing education courses.

"If I kept a chicken coop, or wanted to raise cattle, I wouldn't have to take a class every year to prove that I could do it," said Katz. "It's honestly a little ridiculous."

The public comment window for the proposed regulations closed on Jan. 19.

"I know that at least 300 of our active members sent letters to the Department of Agriculture," said Katz. "At this point, I think the best we can do is hope that this draft can be amended to something much more reasonable and that we can come together to reach a better agreement with the state."

Space, who said he would be "siding with the beekeepers all the way," stated by way of his written letter to the Department of Ag, that the law, if moved forward as proposed, would come up against opposition at the legislative level.

"If the rules are enacted as is, or are still deemed as a detriment to the beekeeping and agricultural community, it would leave legislators such as myself with no choice but to take all remedies constitutionally and legally available to overturn them."

BUFFALO NEWS

Lake Ontario salmon catch rate sets record

By Bill Hilts, Jr.

February 7, 2018



Sandy Brown of Clearfield, Pa., reeled in this 32-pound, 4-ounce salmon while fishing on the Niagara Bar to win the summer LOC Derby. Also pictured are her husband, Ed (left), and Joe Yaeger of Amherst.

Salmon fishing was the best it's ever been in 2017.

That's what New York's Department of Environmental Conservation (DEC) said at the end of January when it released the preliminary results of the Open Lake Fishing Boat Survey for 2017. Based on the Chinook (king) salmon catch rate of .141 per angler hour off a charter boat, that rate was the best ever in the 32-year history of the census. While it might not seem like a very high number, this is a catch rate that takes into account the entire New York shoreline of the lake. The previous record high-catch rate was .137 kings per hour in 2005.

"The increase in 2005 seems to coincide with pen rearing of salmon and improved survival," said Jana Lantry, aquatic biologist for the Lake Ontario Unit of the DEC. "It could possibly be that we were starting to see more wild production of salmon naturally. Technology and the internet could also play a role, informing anglers of the best times to go fishing."

It's probably all the above. Whatever the case, salmon fishing has been pretty darn good since that initial jump in the early 2000s.

The survey process, conducted from April 15 to Sept. 30 every year since 1985, utilizes four seasonal technicians to conduct on-water interviews. "The way the survey was designed, covering over 200 miles of shoreline, we include fishing effort, harvest and overall catch," Lantry said. "Tom Eckert and I also help out with the survey. It gives us an excellent overview of the lake. It's important to understand what's going on out there every year, working closely with our counterparts at the Ontario Ministry of Natural Resources." Last year, 3,726 interviews took place in collecting this essential information.

"This is important work," Lantry said. "This is the only survey on the lake that collects biological data like this from spring to fall."

Included in the collection of biodata is length, weight, fin clip data and any coded wire tags that might be present. It helps fisheries managers put the pieces of the puzzle together so that they can make sound decisions relative to things like stocking numbers. It gives them a better understanding of what is happening within the ecosystem.



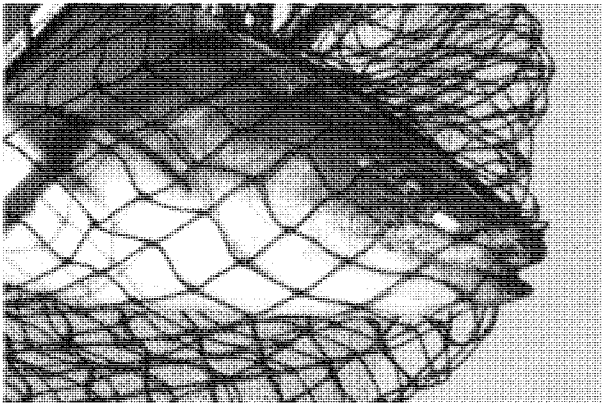
Dan Clinger of Jersey Shore, Pa., caught the winning \$25,000 fall salmon in the Lake Ontario Counties Derby at 39 pounds, 3 ounces.

All areas are not created equal on Lake Ontario when it comes to salmon fishing. The Western Basin of the lake, or the waters off Niagara and Orleans counties, is usually better for salmon in the spring than points east. By summer, fish are starting to slowly migrate to locations where fish were stocked or naturally reproduced. In 2017, more areas had an outstanding year for salmon – especially from June to September. The success realized by other regions of the lake – areas that might not normally enjoy as much salmon success in the summer months – helped to break the record mark.

There was more good news moving forward, too. The 2018 season should be even better for bigger salmon. There were plenty of 1-year-old salmon (jacks) swimming in the lake last year (18 percent of catch versus the 5-year average of 7 percent). Those are survivors and they will be returning as 2-year-olds. The Coho salmon catch rate was the highest since 2010 and the rainbow/steelhead catch jumped up 54 percent from 2015. The combined catch of salmon and trout or the “three in any combination” limit category jumped up 54 percent from 2016 and was the third-highest overall in the history of the survey. Yes, the fishing was very good ... if you could get on the water.

The good news is tempered with some bad news. Due to the high-water levels in Lake Ontario last summer, fewer boats made it on the lake to enjoy the fishing. Some launch ramps were closed. Some marinas were partially or fully closed. As a result, fishing effort was at a record low last year across the lake. To put things into numbers, the previous record low for angling effort was 2016 with 46,339 boat trips. Last year, only 39,964 boat trips were recorded by survey personnel.

“The high water impact definitely limited people from gaining access to the lake and probably limited the numbers of interviews we conducted,” said Lantry. “We also keep track of recreational boating and sail boating and both of those activities were also at record lows last year.”



Chinook salmon have voracious appetites and can grow to 30 pounds or more.

There's no question that everyone was caught off guard with the high-water issues. The bigger question is, are we better prepared should it happen again? More fixed docks were replaced with floating docks. Launch ramps were repaired and many altered to accommodate higher water levels. With the upper Great Lakes above normal as far as water levels right now and Lake Ontario nearly a foot above normal from this time last year, it's still anyone's guess what will happen in 2018. However, after the record-breaking performance for the salmon catch, anglers should do whatever it takes to get out on the water to catch a king or two. You won't regret it.

There is a bit of a misconception when people think of salmon in the traditional sense. The first thing most people think of is mature kings running up the streams to spawn in the fall. Yes, that happens. For the Western Basin of Lake Ontario, some of the best salmon fishing of the year is in the spring and summer – in the lake. The single biggest attraction for salmon is the Niagara River and the famed Niagara Bar in the spring. The river attracts forage fish, it provides structure in the way of current and it supplies warmer water from Lake Erie (after the ice leaves that Great Lake). They all combine to form a dynamic fishery that is the No. 1 reason why most anglers in the Spring Lake Ontario Counties Trout and Salmon Derby choose to fish out of Niagara County. Check out the leaderboard at www.lbc.org and you'll see that more than 60 percent of all the salmon and trout come from those productive waters.

If you've never caught a king, it should be on your bucket list. And if you see a DEC census taker collecting survey information at the end of your trip, be sure to stop.

“It is one of the most important surveys on the lake,” says Lantry. “It's not just about numbers. It's also giving us a better understanding of the condition of the fish. It's about collecting data for ongoing studies. A vast majority of anglers do cooperate with us and that is fantastic. We should be happy we have such an excellent and diverse fishery dominated by Chinook salmon right in our back yard.”

THE REPORTER, OP-ED

The Catskills, NYC and the FAD — The Balance of Clean Water with Local Sustainability

By Pete D. Lopez

February 6, 2018

There is virtually nothing more important than protecting our drinking water.

Similarly, self determination and community sustainability are also central to our very existence.

In the Catskills, finding a balance between these principles remains an important challenge as the City of New York works with local communities to continue its mission to provide drinking water to its residents.

For New York City, this meant over a century of engagement with people in the watershed. Unprecedented special authority granted by New York State enabled the city to acquire lands and construct a mammoth system of interconnected reservoirs and tunnels in the Catskill Mountains to serve as New York City's primary source of drinking water.

This 100-year history has not been without controversy, necessitating a delicate balance between the need for clean, abundant water by the city with the desire of the Catskill communities to be sustainable, preserving their autonomy and way of life.

This tension has magnified over the last quarter century with requirements under the federal Safe Drinking Water Act, which requires the filtration of surface drinking water supplies unless specific conditions can be met.

For New York City, the financial consequences of filtering over a billion gallons of water a day are staggering – \$10 billion in the design and construction of required filtration equipment and potentially hundreds of millions more a year to operate and maintain the system.

The alternative was the development of a Filtration Avoidance Determination (FAD), which is a product of state, federal, and local stakeholders that, among other items, uses a comprehensive regulatory framework to limit actions of the people in the watershed, while simultaneously providing funding for local projects that protect water quality.

Since its inception in January of 1993 to the current day, the NYC FAD has been a grand experiment – conducted at a scale and level of intensity unmatched anywhere across the nation.

On Dec. 28, 2017, under my signature, EPA joined with the NYS Department of Health to provide a ten-year extension of the FAD. I recognize that the FAD is intended to be a comprehensive roadmap that lays out actions that must be taken to continue to protect the water at its source – in Delaware, Greene, Schoharie, Sullivan and Ulster Counties. Just as important, I recognize it is intended to respond to the very real impacts the water quality protections have on the people who live, work and raise their families in the watershed.

While approved for the next ten years, the FAD is a living document. With a scheduled mid-term review, stakeholders and agencies alike must continue to ensure the balancing of environmental objectives with the opportunity for achieving other important socioeconomic goals for communities located within the Watershed.

I personally see opportunities for strengthening the balance. For example, I believe New York City's Land Acquisition Program - a longstanding, core element of the FAD - should be revisited. As someone who understands many of the challenges of the FAD, I am keenly interested in exploring the current "protectiveness" of existing lands controlled by New York City and New York State and the need for continued land acquisition.

In my decades of work with the city and the people of the Catskills, I have found reasoned partners. In my role as EPA Regional Administrator, I will continue advancing thoughtful conversations that ensure that we keep the balance between the needs of New York City and watershed communities.

Pete Lopez is the Regional Administrator of EPA Region 2, which includes New York, New Jersey, Puerto Rico, the U.S. Virgin Islands and eight federally recognized Indian Nations.

WAMC NORTHEAST PUBLIC RADIO

[NYS Officials Deliver PFOS Filtration Update Amid Community Concerns](#)

By Allison Dunne

February 6, 2018

New York state Department of Environmental Conservation and Health Department officials were in Newburgh Monday night to provide an update on the city's new carbon filtration system to filter PFOS contamination from the city's drinking water. Many residents voiced concern about switching to the state-funded system.

WAMC's Hudson Valley Bureau Chief Allison Dunne reports the date for testing the system has been pushed back.

Until the new system is placed online, Newburgh will continue to draw water from the Catskill Aqueduct, which it has been doing since 2016, soon after the city's main drinking water source — Washington Lake — was found to be contaminated with PFOS. Newburgh resident Terrie Goldstein addressed state officials.

"This is not a sales pitch. This says to us, here's what we're going to do, I hope you like it but, if you don't, we're going to do it anyway," Goldstein said. "I'm not comfortable with that."

And here's why.

"Once they open up, I think it's called, Silver Stream that that contaminated water is going to start going into Washington Lake again," Goldstein says. "And so, I've got to believe over a period of time the contaminants are going to rise. So there'll be a time at which this carbon filter system will just not work for us. So they'll add something else? I'm not quite sure. But once you have a lake that is contaminated and it continues to be contaminated, that's not an answer for a city of 25,000 people."

New York state Department of Environmental Conservation Deputy Commissioner of Remediation and Materials Management Martin Brand...

"I'm fully confident that the system that we've designed is robust enough and redundant enough that it will handle the concentrations that we found previously in Silver Stream."

In August 2016, the state designated Stewart Air National Guard base a Superfund site, after finding the source of PFOS contamination in Washington Lake was the historic use of firefighting foam at the base. DEC and federal lawmakers continue to press the Department of Defense to take responsibility and pay for PFOS cleanup at the base. The state has found some of the highest concentrations of PFOS in outfalls from the base, at Recreation Pond. Ophra Wolf is a city resident and member of the Newburgh Clean Water Project. She is also concerned about remediating the PFOS pollution at its source.

"And we don't know what's going on, and we don't know who we can count on and when we can count on the pollution at the air base actually being taken care of," Wolf says. "That's a big concern."

Again, the DEC's Brand.

"And we've even done additional investigations in Rec Pond to develop some of the engineering parameters that were necessary maybe to come up with an interim solution there," Brand says. "So we continue to move forward."

Water quality program director for Riverkeeper Dan Shapley says there are a few important aspects to watch, including testing of the new system. Plus:

"One other important thing that we'd like to see is a real analysis to see if this polluted Silver Stream that connects the Air National Guard base to the drinking water supply, how far can we go without using it," Shapley says. "We know the city saved 50 percent of its water through leak detection so, given that, how many months can we go without using Silver Stream at all. And, if we can avoid using it completely, that should be what we should aim for."

Brand says once the filtration plant is put online, it will start without filtering water from Silver Stream. Newburgh City Manager Michael Ciaravino says relying solely on Washington Lake for drinking water will be insufficient.

"We have a quantity of water that comes from Silver Stream that's roughly two-thirds of our surface water that feeds Washington Lake. The other one-third, it comes from Patton Brook," Ciaravino says. "If we keep the diversion gate closed, assuming we would use Washington Lake water, we would simply run out of water."

Asked about how long it would take to deplete Washington Lake, he says:

"I don't have the calculations for you, but the DEC knows as well as we do that, in order for Washington Lake to be a sustainable source of water for a filtration plant, that diversion gate would need to be opened and allow in that PFOS, that's carrying 5,900 parts per trillion, PFOS into Washington Lake," says Ciaravino.

"We don't want to do that, our residents don't want to do it, and many of us are convinced that we would never drink the water if that gate were open. That water needs to be remediated at its source and it's something we've been talking about since the crisis happened."

The DEC's Brand says the testing was pushed back from mid-January to around March 5 to handle some operational matters and, after hearing concerns from the community, allow more time for residents to understand how the testing would unfold. He says the testing should take a few weeks.

"And then we're going to get the results back as quickly as we can. We're going to be very transparent in what we found. We're going to give those results to the community. We'll find a format and a place to put those results so everybody can view them. We'll discuss that with the city," says Brand. "We'll make sure everyone fully understands the results before we make any decision to start up the system."

He says there is no set date for that. Some residents and council members said they are concerned Newburgh taxpayers will end up paying the cost of maintaining and operating the new filtration system. Brand responded.

"Obviously, we're going to try and get the DoD to start paying for it at some point but, until that happens, New York state's not going away," says Brand. "We've been paying all along, we've been reimbursing the city for its costs and we'll continue to do that."

In fact, he says the state is working on a written agreement with the city saying that New York will continue to pick up the cost and aid in the operation of the filtration system. Brand estimates the annual operational cost of the system will be between \$700,000 and \$800,000.

National News

AP

<https://apnews.com/716e2a6e6ff14f1b8920c17e61c64353/GOP-lawmakers-take-aim-at-cancer-research-group-over-Roundup>

GOP lawmakers take aim at cancer research group over Roundup

By Michael Biesecker, 2/6/18

WASHINGTON (AP) — Republican lawmakers are threatening to cut off U.S. funding for the World Health Organization's cancer research program over its finding that the herbicide Roundup is probably carcinogenic to humans.

House Science Committee Chairman Lamar Smith said Tuesday that the 2015 conclusion by the International Agency for Research on Cancer was fundamentally flawed and relied on cherry-picked science. The Texas lawmaker said he has serious concerns about anti-industry bias and a lack of transparency within the program, which is based in Lyon, France.

A separate review by the Environmental Protection Agency concluded in December that Roundup is not likely to cause cancer at typical levels of exposure.

Roundup, made by the agribusiness giant Monsanto, is the world's most widely used weed killer and has been sprayed on fruits and vegetables since the 1970s. It is also widely used on lawns and golf courses.

Monsanto also sells seeds genetically modified to produce crops that can tolerate being sprayed with glyphosate — the basis of Roundup — as the surrounding weeds die.

"There are real repercussions to IARC's unsubstantiated claims, which are not backed by reliable data," Smith said at a hearing. "Labeling requirements will drive costs up for farmers and consumers and create unjustified public fear."

To bolster his criticism, Smith's committee took testimony from U.S. government experts and a former pesticide industry scientist who said IARC relied on outdated methods and misinterpreted data.

IARC's program assesses the hazard of whether chemicals can cause cancer in humans, often relying on studies where high doses were fed or injected into rats and mice to see whether they would develop tumors. The EPA's risk assessments, which sometimes rely on industry-funded studies, look at the long-term threat pesticides and herbicides pose based on the anticipated uses and the relatively low levels of exposure expected for humans and animals.

IARC's finding that glyphosate is likely carcinogenic triggered a wave of lawsuits over its continued use. Monsanto filed suit after California regulators sought to require a warning of the potential cancer threat on the packaging label for Roundup, a move the company said would needlessly scare away customers. Numerous agribusiness groups have also sued to try to block California's move.

Monsanto, based in St. Louis, Missouri, said Tuesday that IARC's findings are an outlier when compared to what scores of other studies and regulators around the world have found.

"We're pleased that serious questions are being asked about the discredited IARC opinion and the real harm it is causing to American farmers," said Scott Partridge, Monsanto's vice president of global strategy.

Records compiled by the watchdog group Center for Responsive Politics show Monsanto has spent heavily on federal lobbying in recent years, with more than \$4.3 million in spending during 2017. The company's executives and political action committee made about \$600,000 in federal political donations during the 2016 election cycle, with the bulk of the cash going to farm-state Republicans.

Jennifer Sass, a scientist with the advocacy group Natural Resources Defense Council, defended the IARC's results at the congressional hearing, saying the well-respected international group was the target of a well-financed campaign by the pesticide industry seeking to discredit its findings.

"This hearing is about the ability of a public health agency to call a carcinogen a carcinogen, even if it makes a huge amount of money for a powerful corporation," Sass said Tuesday. "Are we willing to sell out the public's right to know about harmful chemicals in the places we work live, and play, just so that Monsanto Co. can sell more glyphosate?"

Politico

<https://www.politicopro.com/agriculture/article/2018/02/lawmakers-criticize-cancer-research-group-over-study-on-glyphosate-327021>

Lawmakers criticize cancer research group over study on glyphosate

By Christine Haughney, 2/6/18, 5:32 PM

House lawmakers used a hearing on Tuesday to continue to press questions over a study conducted by a body of the World Health Organization that classified glyphosate, a widely used herbicide, as a probable carcinogen.

The House Science, Space and Technology Committee hearing was called after its chairman, Rep. Lamar Smith, sent a three-page letter in early November to International Agency for Research on Cancer, the WHO body, raising concerns about a March 2015 report on glyphosate. The report classified glyphosate as a Group 2A carcinogen, meaning it "probably" causes cancer. The IARC study has attracted extensive debate because glyphosate is so widely used by farmers in the U.S. and Europe.

At Tuesday's hearing, three out of four witnesses who testified were critical of the IARC study. Anna Lowit, senior science adviser in the Office of Pesticide Programs at the EPA, argued that "glyphosate is considered to have little to no hazard."

Pastoor Science Communications CEO Timothy Pastoor — who spoke on behalf of his work and nine other co-authors — called IARC's scientific process "badly outmoded" and noted that "it provides no context about when how why it causes that effect." He added that under IARC's standards, cancer-causing products also include "grapes, apples, blueberries."

The WHO body, he added, "appears to think they are accountable to no one."

The committee sent two letters to IARC inviting them to send a speaker to their hearing, but both times, the organization declined.

Lawmakers also raised the issue of how much money the federal government has given to IARC over the years — citing numbers like the more than \$48 million the U.S. has given since 1985. Rep. Roger Marshall (R-Kansas) noted that his district had plenty of other demands to fulfill rather than giving this money to IARC.

Smith also commented on how commonly the herbicide was used by farmers. "The American people deserve to know the truth about which substances are safe and which ones pose a risk," Smith said during the hearing. "Glyphosate is the most widely used herbicide in the world. Americans and people across the globe rely on these crops for high quality, affordable food."

The lone witness who supported IARC was Jennifer Sass, a senior scientist at the nonprofit Natural Resources Defense Council. She strongly defended the body's work and argued that it was more transparent than opponents contend. By speaking out the body received "unprecedented" pressure from pesticide industry, Sass added.

Agribusiness giant Monsanto, which uses glyphosate in its popular Roundup weedkiller, and several agricultural groups have contended that IARC's research was specious. In documents released as part of an ongoing lawsuit in California, Monsanto claimed that members of the IARC committee ignored a study of pesticide applicators by the National Cancer Institute, which found no link between exposure to glyphosate and cancer. But particularly in Europe, Monsanto was accused last year by activists and lawmakers of exerting undue influence over the scientific literature that went into proving the safety of glyphosate.

Separately Tuesday, the European Parliament agreed to create a special committee to investigate potential failings in the EU's system for renewing pesticides such as glyphosate. That committee will present recommendations to the European Commission on how to change EU law to ensure that the science used to prove a substance's safety is not aligned too closely with industry.

E&E Daily

<https://www.eenews.net/eedaily/stories/1060073069/search?keyword=EPA>

WHO rebuts GOP, media on glyphosate cancer warning

By Corbin Hiar, 2/7/18

The World Health Organization's cancer agency is firmly defending its finding that a widely used herbicide is "probably carcinogenic" despite reports cited by key House lawmakers.

The International Agency for Research on Cancer's unwavering stance was publicly revealed yesterday by Oregon Rep. Suzanne Bonamici, the top Democrat on the House Science, Space and Technology Committee's Environment Subcommittee at a full committee hearing on the controversial 2015 glyphosate evaluation.

Bonomici entered into the hearing record a series of responses IARC Director Christopher Wild has sent to the panel in recent months.

Wild specifically criticized two stories from Reuters reporter Kate Kelland that suggested the evaluation, known as a monograph, excluded key information. Both stories were cited in letters to IARC by Republican Reps. Lamar Smith of Texas and Andy Biggs of Arizona, the respective chairmen of the full committee and Environment Subcommittee.

One claimed that Aaron Blair, a U.S. National Cancer Institute epidemiologist who led the glyphosate review, excluded from the assessment forthcoming research that he knew would find no link between the herbicide and cancer (Greenwire, June 15, 2017).

That was because "IARC Monographs are based on independent scientific review of published and not on the basis of unpublished or 'secret data' unavailable publicly," Wild explained in a Nov. 20, 2017, letter.

Notably, under Chairman Smith, the Science Committee has railed against U.S. EPA regulations that are based on what he often refers to as "secret science."

"Therefore," Wild wrote, "it is false to assert that Dr. Blair was in a position to withhold critical information from IARC."

The other story from last year flagged by Science Committee leaders claimed that IARC omitted evidence that went against its conclusion that glyphosate likely causes cancer in humans and edited a draft review significantly before it was released to the public (Greenwire, Oct. 20, 2017).

But most of the differences between that draft and the final monograph "specifically relate to a review article" that litigation against Monsanto Co., which uses glyphosate in its popular Roundup herbicides, revealed was ghostwritten by the company, Wild said (E&E News PM, Oct. 12, 2017).

"The Working Group considered that information in the review article and its supplement was insufficient for independent evaluation of the individual studies and the conclusions reached by the Monsanto scientist and other author," he added. "As a result, the draft was revised."

Abbe Serphos, the global head of communications for Reuters, offered a one-line response to the errors IARC alleged: "We stand by our reporting."

Smith and Biggs had also asked Wild to provide a witness for the hearing. When they didn't immediately receive one, the lawmakers threatened to pull federal support for the agency, which has received more than \$48 million from the U.S. since 1985 (Greenwire, Dec. 8, 2017).

Wild politely declined their demand and instead invited them to visit him in Lyon, France, where the WHO's cancer agency is based. Then in a Jan. 11 letter, he acknowledged "the valuable support of the US National Institutes of Health" and noted that the agency is one of the most highly cited medical research organizations in the world.

It is unclear if Smith and Biggs visited IARC. The committee didn't respond to a request for comment on Wild's offer.

'Shoddy' scientific methods?

In a 10-page January response that summarized and expounded on the points he made in his letters to lawmakers, Wild also preemptively rebutted many of the criticisms that Republican committee members and the witnesses they invited made of IARC yesterday.

For instance, Rep. Frank Lucas (R-Okla.), the vice chairman of the full committee, slammed IARC for evaluating the carcinogenic potential of chemicals but not determining the dose at which they could cause cancer.

IARC's focus on conducting hazard rather than risk assessments is because the agency refuses to "bring their scientific methods into the modern age," Lucas said. "This kind of shoddy work is unacceptable from any scientific body, let alone one funded by the American taxpayer."

Wild, however, said last month in his response that "identifying carcinogenic hazards is a crucially important and necessary first step in risk assessment and management; it should be a 'red flag' to those charged with protecting public health." Regulators can then take immediate action to ban or label carcinogenic substances, or use the observed data to determine how much risk the substances pose.

"IARC defers risk assessment and risk management to national and international bodies, restricting itself to provision of hazard identification as a scientific foundation to those subsequent steps," Wild added.

Anna Lowit, a senior science adviser in EPA's Office of Pesticide Programs who testified yesterday, also defended her agency's draft risk assessment on glyphosate, which found that the common weedkiller doesn't cause cancer (Greenwire, Dec. 19, 2017).

The draft assessment was released as part of a registration review for Roundup that began in 2009. Lowit said EPA plans to begin accepting comments on it soon.

Roundup has been on the market since 1974. Approximately 270 million pounds are applied annually, mainly to corn and soybeans that have been genetically modified to tolerate the herbicide.

EPA's internal watchdog is currently investigating allegations that former agency official Jess Rowland colluded with Monsanto during the review process to counter suggestions it endangers human health (E&E News PM, June 7, 2017).

AgriPulse

<https://www.agri-pulse.com/articles/10576-iarc-criticized-defended-at-house-science-hearing>

IARC criticized, defended at House Science hearing on glyphosate

By Steve Davies, 2/7/18, 6:35 AM

The International Agency for Research on Cancer received a fresh round of criticism Tuesday on Capitol Hill for its review of glyphosate - the world's most widely used herbicide - which IARC found to be a probable human carcinogen three years ago.

Republican lawmakers on the House Science, Space and Technology Committee claimed that IARC, part of the World Health Organization, manipulated or did not consider relevant data.

"There are real repercussions to IARC's unsubstantiated claims, which are not backed by reliable data," Science Committee Chairman Lamar Smith, R-Texas, said. "Labeling requirements will drive costs up for farmers and consumers and create unjustified public fear. IARC's irresponsible handling of data does real harm to job creators and the public's view of the scientific process."

But ranking member Eddie Bernice Johnson, D-Texas, pushed back. While acknowledging that Roundup, whose active ingredient is glyphosate, "has helped farmers get greater yields of corn and other agricultural products," she also said that "the widespread prevalence of glyphosate has raised serious concerns about its toxicity and potential cancer-causing properties."

Johnson also released a minority staff report detailing industry efforts to undercut IARC's report, "Spinning Science & Silencing Scientists: A Case Study in How the Chemical Industry Attempts to Influence Science."

It's not clear what will come of the hearing. Committee spokesman Brandon VerVelde said, "On next steps, I'd echo Chairman Smith's and other members' sentiments from the hearing: The members must now consider whether the American taxpayers should continue to fund the IARC Monograph Program in its current form."

The National Institutes of Health and the Centers for Disease Control and Prevention provide about \$6 million of IARC's approximately \$54 million annual budget, according to figures from the agency.

The IARC conclusion is being used as the basis for California's plans to label glyphosate-containing products. That state's Proposition 65 requires warning labels when products contain chemicals "known to the state to cause cancer," according to California's Office of Environmental Health Hazard Assessment.

Wheat growers, Roundup-maker Monsanto, and other commodity and farm groups are suing California in federal court over the Prop 65 decision, which has yet to result in actual labeling of any products, though that could come this summer.

At the hearing, two witnesses said IARC's process is outdated and needs an overhaul, one defended its process, and one, EPA senior scientist Anna Lowit, discussed EPA's conclusion in a recent report that glyphosate is not likely to be a human carcinogen. She did not offer any comments on IARC or its process except to say that IARC conducts hazard assessments, not risk assessments.

Timothy Pastoor, CEO of Pastoor Science Communications, said that IARC relies on an "antiquated and irrelevant hazard classification scheme" that fails to provide the proper context for its findings.

"The program must shift from a 'hazard-only' scheme to a process that incorporates potency and exposure, and expresses its conclusions in risk assessment terms," Pastoor said.

Robert Tarone, who worked as mathematical statistician at the National Cancer Institute and is now biostatistics director at the International Epidemiology Institute, said IARC had used data that supported its conclusion while ignoring other data, even when it was included in the same study.

Smith criticized the glyphosate monograph panel's failure to consider unpublished data from the federal government's Agricultural Health Study that may have changed the conclusion of the glyphosate monograph.

But Jennifer Sass, a senior scientist at the Natural Resources Defense Council, defended IARC's consideration of data for the monograph, noting that the agency will not consider unpublished data. She also referred to a letter from IARC Director Christopher Wild to the House Science Committee last month, in which Wild said IARC did consider AHS data that had been published.

She also said that contrary to claims that IARC has classified virtually all substances it has reviewed as carcinogenic, IARC has in fact classified about 200 as known or probable human carcinogens. About 300 are classified as possible human carcinogens, with the balance (about 500 chemicals) not classifiable.

IARC itself responded to criticism of the glyphosate monograph, saying that "since the evaluation of glyphosate by the IARC Monographs Program in March 2015, the Agency has been subject to unprecedented, coordinated efforts to undermine the evaluation, the program and the organization. These efforts have deliberately and repeatedly misrepresented the Agency's work."

<https://insideepa.com/daily-feed/epa-poised-look-input-glyphosate-reviews>

EPA poised to seek input on glyphosate reviews

2/7/18

EPA is poised to seek public comment on its recently-issued draft human health and ecological risk assessments of glyphosate, documents that show that the world's most commonly-used herbicide poses risks to birds, mammals and plants, but is unlikely to cause human cancers.

Anna Lowit, senior science advisor for EPA's pesticides office, told a Feb. 6 hearing of the House Science, Space and Technology Committee that the agency will soon publish in the Federal Register and seek public comment on the draft reviews.

"While the draft human health and ecological risk assessments are already available on the EPA website, the official public comment period for the registration review of the draft glyphosate risk assessments and supporting science evaluations will soon be announced in the Federal Register," Lowit said in written testimony.

On Dec. 18, EPA posted on its website, its draft human health assessment reiterating the agency's conclusion that glyphosate is not likely to cause human cancers. The draft reviews strike a blow to California's recent listing of glyphosate as a carcinogen under its Proposition 65 warning-label law and potentially aid a pesticide industry lawsuit challenging the state's listing.

EPA's cancer finding is also contrary to the World Health Organization's International Agency for Research on Cancer (IARC) 2015 monograph that concluded glyphosate probably causes cancer. The House Science Committee hearing built on Republican lawmakers and pesticide industry opposition to IARC's glyphosate finding.

Lowit told the hearing that seeking public input on the two draft reviews is one of numerous remaining steps in EPA's Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) reregistration of glyphosate.

EPA also must consult with federal wildlife officials on risks to species, using a new inter-agency process that faces significant uncertainty in the Trump administration following industry claims that the process leads to overly conservative and unrealistic results.

EPA Administrator Scott Pruitt Jan. 31 signed a memorandum of agreement (MOA) forming a federal inter-agency working group to review and fix what he has called a "broken" Obama-era inter-agency process for assessing pesticides' risks under the ESA.

The MOA faults the National Academy of Sciences (NAS) as failing to foresee the challenges of implementing its recommendations for improving the inter-agency process, which EPA and wildlife officials spent several years implementing during the end of the Obama administration.

In addition to consulting with wildlife officials on species risks, Lowit told the committee that EPA will propose and seek public input on a proposed interim registration decision, including label changes and mitigation measures if necessary. EPA will also assess the substances' potential risks to pollinators.

EPA is required to complete registration review of glyphosate and 700 other pesticides by Oct. 1, 2022.

News 3 Las Vegas

<http://news3lv.com/news/local/epa-chief-scott-pruitt-goes-one-on-one-with-news-3>

EXCLUSIVE: EPA Chief Scott Pruitt goes one-on-one with News 3

By Gerard Ramahlo, 2/6/18

LAS VEGAS (KSNV) — Chief Administrator of the Environmental Protection Agency Scott Pruitt sat down with News 3's Gerard Ramalho Tuesday morning to discuss a variety of issues, including mining regulation, climate change, the Paris Climate Accord and President Trump's desires to roll back coal regulation.

Pruitt arrived in Nevada Monday and spent time with Governor Brian Sandoval touring the Anaconda Mine in Lyon County. He also visited with miners at the Coeur Rochester Mine in Lovelock to discuss regulatory reforms to preserve jobs in the mining industry.

WATCH Gerard's entire interview in the player above to learn more.

**Embedded video interview.*

E&E Climatewire

<https://www.eenews.net/climatewire/stories/1060073119/search?keyword=EPA>

Pruitt suggests warming can help humans

By Scott Waldman and Niina Heikkinen, 2/7/18

U.S. EPA Administrator Scott Pruitt questioned yesterday if rising global temperatures are harmful to humans, a claim that adds new insight to his alternative views on climate change.

In an interview with KSNV television in Nevada, Pruitt suggested that global warming could be seen as a good thing for people. He said civilizations tend to flourish when it's warm.

"I think there's assumptions made that because the climate is warming, that that necessarily is a bad thing," Pruitt said.

Recently, Pruitt has questioned whether scientists know what the ideal surface temperature should be in the year 2100, or even in 2018. Scientists have disputed that premise, saying that any swift change to global temperatures can have disruptive impacts on plants, animals and humans.

Pruitt's claims yesterday adds new texture to what's known publicly about his skepticism about mainstream climate science. In the past, Pruitt steered away from commenting on what a warming world could mean for humankind. Instead, he often questioned whether humans are having a substantial impact on the climate, while acknowledging that temperatures are climbing. He has also described the science as being politicized and touted the fossil fuel industry's progress in limiting carbon emissions through innovation.

Pruitt's comments yesterday moved beyond those views.

"Is it an existential threat, is it something that is unsustainable, or what kind of effect or harm is this going to have?" he said. "We know that humans have most flourished during times of, what, warming trends?"

A growing body of research has found that humans are warming the Earth at an unprecedented pace, chiefly through the burning of fossil fuels. Possible impacts include a few feet of sea-level rise and an increase in deadly heat waves, potentially making some areas of the planet uninhabitable. The National Climate Assessment released by the Trump administration last year found that it's "extremely likely" that humans are the primary drivers of climate change.

Pruitt is right that temperatures have varied throughout geologic history. But scientists say the speed of change sets the modern age apart. It's happening over a period of decades, not millenia. That makes comparisons to the past inaccurate, they say.

At the beginning of his tenure, Pruitt was criticized for saying humans are not the primary cause of climate change. Since then, he has promoted the idea of a red-team, blue-team climate debate that would highlight areas of uncertainty in the field.

Pruitt's shift in rhetoric has been noticed by even his supporters.

Myron Ebell, who headed Trump's EPA transition team and is director of the Center for Energy and Environment at the Competitive Enterprise Institute, said he noticed that Pruitt was parroting arguments long made by skeptics. One of them is the claim about there being no ideal temperature. Ebell said that's an "aesthetic" preference that depends on whether or not someone prefers cold weather.

"When you're learning about a subject, you pick up pieces, and you don't pick up other pieces right away," Ebell said. "His rhetoric has shifted, and I expect that that is because he has been briefed by someone."

EPA spokesman Jahan Wilcox declined to comment about Pruitt's briefings or if he's been talking with someone about climate science. He pointed to Pruitt's public schedule, which shows recent meetings with a number of conservative think tanks and politicians who question mainstream climate science. That includes Rep. Lamar Smith (R-Texas), chairman of the House Science, Space and Technology Committee, as well as representatives from the Heritage Foundation, Cato Institute and Manhattan Institute.

Some of Pruitt's boosters publicly worried that his new talking points suggest a softening of his climate beliefs. Jay Lehr, the science director at the Heartland Institute, noted in an email that Pruitt's statements send unclear signals about his position.

"Pruitt is certainly confusing us on this issue," said Lehr. "He could be preparing to push the red team-blue team approach, or he could be trying to soften opposition by not being in any way strident in his opposition to climate alarmism."

Lehr described Pruitt as having a tough job and said Heartland is satisfied, "by and large," by the work Pruitt has been doing, "but we are always on edge about any reversal of position."

Pruitt's comments inch closer to those of controversial figures like the former nominee to lead the White House Council on Environmental Quality, Kathleen Hartnett White, who has pointed to carbon dioxide as the "gas that makes life possible on Earth."

She had said that while human activity likely has some influence on climate, CO2 does not have the characteristics of an air pollutant that "contaminates and fouls and has a direct impact on human health." Hartnett White hit opposition in the Senate, and her name was withdrawn from consideration for the position over the weekend.

Others who are skeptical of climate science, such as Will Happer, who is rumored to be a contender for science adviser to the president, have pointed to the potential benefits of climate change for crops.

Smith, the science committee chairman, wrote an opinion piece for the Heritage Foundation in which he claimed that rising atmospheric carbon dioxide would benefit plant life.

Previously, Pruitt highlighted the uncertainty inherent in climate change. During his confirmation hearing last year, Pruitt told senators on the Environment and Public Works Committee that humans affect the climate in "some manner" (Climatewire, Jan. 19, 2017).

"The ability to measure with precision the degree and extent of that impact and what to do about it are subject to continuing debate and dialogue, and well it should be," he said.

Later in his tenure, as the Trump administration committed to withdrawing from the Paris Agreement, Pruitt began to note U.S. accomplishments in limiting carbon emissions, even while continuing to raise doubts about the environmental impact of doing so.

Following the release of the draft national climate assessment last August, Pruitt criticized the Obama administration for politicizing carbon emissions (Greenwire, Aug. 11, 2017).

"The past administration used the CO2 issue as a wedge issue," he said. "And that's why we talk about it so much. Why aren't we celebrating what we've achieved with respect to CO2?"

Tampa Bay Times

<http://www.tampabay.com/florida-politics/buzz/2018/02/05/epa-administrator-scott-pruitt-visits-florida-avoids-biggest-environmental-issues-in-state/>

EPA administrator Scott Pruitt visits Florida, avoids biggest environmental issues in state

By Craig Pittman, 2/6/18

U.S. Environmental Protection Agency administrator Scott Pruitt paid a quiet visit to Florida last week, but avoided the biggest environmental issues in the state.

Instead of visiting the Everglades or Lake Okeechobee, both the topics of hot political debate right now, Pruitt went to the North Florida hamlet of Havana, 14 miles north of Tallahassee, on Feb. 2.

He had nothing to say about the hot topics of offshore drilling, or toxic algae blooms. Instead, Pruitt wanted to talk about his effort to get rid of regulations on pollution and how that helps the economy.

"The Sunshine State is a vital provider of American agriculture, energy and manufacturing, and it's essential we hear directly from rural Floridians," Pruitt said in a news release that his agency posted after the appearance.

Pruitt heard from more than just farmers. In a roundtable discussion at the May Nursery, Pruitt met with representatives of the Florida Chamber of Commerce, Florida Electric Cooperatives Association, and the Manufacturers Association of Florida, in addition to the Florida Farm Bureau. After the roundtable he spoke to 150 people at the nursery's loading dock.

No one from any of Florida's environmental groups was in attendance.

According to the EPA news release, Pruitt talked about how he was delaying enforcement of an Obama-era rule on protecting wetlands from being destroyed, as well as the Trump administration's rollback of the Obama-era Clean Power Plan, which was the EPA's biggest tool in fighting climate change.

Pruitt's official calendar gave no advance notice of the trip to Florida, and his staff did not bother to alert reporters about the visit. Some of Pruitt's other trips as EPA administrator have him under investigation by his own agency.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060073145/search?keyword=EPA>

Pruitt wants to 'eradicate lead.' Is that possible?

By Ariel Wittenberg, 2/7/18

U.S. EPA Administrator Scott Pruitt told lawmakers last week that he wants their help with what he's calling his agency's "war on lead."

Testifying before the Senate Environment and Public Works Committee, he said that "investing in infrastructure challenges to eradicate lead in our drinking water within a decade should be a goal of this body and, I think, the goal of this administration."

His bold statement drew support from Democratic Sens. Tammy Duckworth of Illinois and Ben Cardin of Maryland, but it flummoxed water experts.

"Anybody who is interested in not drinking lead with their water is going to need to use filters or bottled water," said Yanna Lambrinidou, founder of Parents for Nontoxic Alternatives.

Lead contaminates drinking water primarily by leaching from pipes that carry water from treatment plants to homes. The potent neurotoxin — particularly harmful to children — can flake from pipes deemed "lead-free."

"It's not just the lead service lines on public property, it's not just the lead service lines on private property, it's lead in fixtures in homes, its lead solder, too," G. Tracy Mehan III, executive director of government affairs for the American Water Works Association.

EPA is working to revamp drinking water standards for lead. While changes to monitoring and requiring some amount of lead pipe replacement are all options the administration is considering, no one has discussed removing other kinds of pipes that can contribute to lead contamination.

Said an EPA employee who asked to remain anonymous: "There are steps you can take to make progress that are being considered, but getting lead to zero is probably impossible."

"Unless you are going to physically replace every plumbing device in the country," the staffer added, "you're not going to get there."

Pruitt's comments in the Senate last week upped the ante on previous statements he made to a House committee in December, promising to "eradicate ... concerns" about lead poisoning.

EPA failed to respond to requests for clarification on Pruitt's statements, nor did the agency answer questions about what strategies EPA is considering for reducing or eliminating lead in drinking water as it works on revised standards.

Public health experts have long argued the best way to reduce exposure to lead in drinking water is to replace 7 million to 11 million lead water lines — a job that water utilities estimate would cost \$30 billion.

Cities' efforts to replace lead pipes are often stymied by a number of factors.

For one, some utilities don't even know how many lead pipes are in their service area. And even if they do know, they are legally responsible for removing lead pipes that run from main supply lines to the curb, where individual property owners

must take responsibility. Municipalities that have tried to help residents pay for the private-side of lead pipe removals have also been ensnared by state utility laws (Greenwire, March 23).

Even if those complications could be overcome and all pure-lead pipes were removed nationwide, lead would still leach into drinking water.

While most properties with pure lead pipes were installed prior to the 1960s, lead solder was still used on non-lead plumbing until 1986. And pipes that were legally considered "lead-free" were actually allowed to have up to 8 percent lead until 2014.

Those pipes, as well as more modern "lead-free" pipes that can legally contain up to 0.25 percent lead, can still contaminate drinking water as they age or if they are exposed to heat.

While treating drinking water with anti-corrosion chemicals can prevent some of that leaching, chemical treatments are generally ineffective at preventing large particles of lead from being knocked-out of non-lead pipes when construction occurs nearby.

According to one Virginia Tech report, there are 81 million homes without pure-lead pipes that still leach lead into drinking water.

"Generally, the non-lead pipes leach less lead than lead pipes, but there is still a significant health risk for folks living in homes built before 1986 and a risk for those homes built before 2014, even if they do not have lead pipes," said Marc Edwards, a Virginia Tech scientist credited with discovering the Flint, Mich., water crisis. "There are 10 to 20 times more homes without lead pipes than with lead pipes that would still leach lead."

Edwards said he would not be worried about health risks from lead in water if he lived "in a modern, post-2014 home," but noted that the lead would not necessarily be "eliminated" from such homes.

It's "very rare," Edwards said, to see lead levels above 5 parts per billion coming out of the tap in modern homes, but "very common" in homes built before 1986.

He added, "That doesn't mean you're not at risk."

'Political stunt'?

Risks are widespread because scientists' understanding of a "safe" lead level has evolved through the years.

When EPA wrote its drinking water regulations in 1991, it required utilities to take action if lead concentrations in tap water exceeded 15 ppb at more than 10 percent of testing sites.

While most water contaminant standards are based on health risks, the 15 ppb standard was adopted based on the ability of corrosion control treatments to reduce lead levels at the tap.

At the time, EPA calculated that under its standard, less than 5 percent of children younger than 7 years old would have blood lead levels exceeding 10 micrograms per deciliter, the Centers for Disease Control and Prevention's threshold for blood lead levels.

The CDC lowered its blood lead threshold to 5 micrograms per deciliter in 2012, but EPA's lead water standards have remained the same.

"Historically, the lead levels we consider low have become levels of concern 10 to 20 years later," Edwards said.

Pruitt appeared aware of that dichotomy during the Senate hearing last week.

Responding to a question from Duckworth about safe blood lead levels, Pruitt acknowledged EPA's 15 ppb standard and that some states like Michigan are considering stricter regulations.

"But, from my perspective, as I indicated, I don't think there is a safe level, and I think we need to eliminate it from our drinking water," he said.

Pruitt's critics say he's not ignorant of the issues but rather playing politics. EPA's current efforts to rewrite lead in drinking water standards began under the Obama administration.

Then, officials were careful not to promise eliminating the toxin from drinking water, talking instead about reducing lead levels or lead risk.

"The Obama people never would have made such an extreme statement because they knew that they would have to follow up on it, and that's not possible," said Betsy Southerland, a former EPA Office of Water employee.

She believes Pruitt's comments are a "political stunt."

The Trump administration has delayed the timing of new lead regulations twice, with a final regulation now expected in February 2020. By then, a new administration or EPA administrator could be in office.

"Nobody who understood the billions of dollars it would cost to replace lead pipes in this country would make a statement like that if they thought they would have to fulfil that promise," Southerland said. "And who knows if he is going to be here in 2020? He knows it sounds good, so he's saying it, but he doesn't mean it."

Southerland also notes that, under Trump administration regulatory reform requirements, EPA would not only have to justify the costs of potentially requiring replacement of lead pipes but also find two other regulations to repeal in order to balance out that cost.

"Where is he going to get the repeals that would be equal to that \$30 billion cost?" she asked.

'More than waving a magic wand'

Said Ronnie Levin, a former EPA staffer who now manages the water and health program at Harvard University's T.H. Chan School of Public Health, "Even if they decided they wanted to do it, they couldn't do it in 10 years because it costs a boatload of money, and they know that."

Levin noted that Lee Forsgren, deputy assistant administrator in the Office of Water, has cited the cost of lead service line replacement as a reason EPA is no longer considering requiring such work.

Last November, Forsgren told Bloomberg Environment that requiring lead pipe replacements would be "an unfunded mandate that would be unprecedented the likes of which we have never seen."

While calling Pruitt's eradication statement a "laudable goal," public health advocate Lambrinidou said his comments "do make me wonder if there is an understanding of the issue or just an interest in pleasing and deceiving."

While eliminating lead from drinking water isn't practicable, there are meaningful steps EPA could take toward reducing lead exposure. That includes better public education about the prevalence of lead in drinking water, as well as revamped and enforced monitoring standards.

Levin notes that sampling methods used by utilities can be manipulated in ways that don't give an accurate picture of lead contamination. In addition, it's often the same homes with a low risk of having lead that are tested multiple times, leaving out possible contamination in the wider communities. Large utilities are also allowed to sample just once every three years.

Levin and other public health experts have said they are skeptical that an industry-friendly EPA will actually crack down on lead contamination, fearing that a new drinking water regulation from the Trump administration would follow utility recommendations that could actually weaken monitoring (Greenwire, Dec. 11, 2017).

But Levin is hoping Pruitt will prove her wrong.

"You can absolutely reduce lead, even if you can't eliminate it," she said. "It just takes more than waving a magic wand or saying the magic words — you need strong monitoring policies that you enforce."

The Hill

<http://thehill.com/policy/energy-environment/372741-dem-sens-demand-epa-chief-recuse-himself-from-clean-power-plan>

Dem senators demand EPA chief recuse himself on clean power plan rulemaking

By Miranda Green, 2/7/18, 12:42 PM

Four Democratic senators are calling on Environmental Protection Agency (EPA) Administrator Scott Pruitt to recuse himself from overseeing any rulemaking regarding the repeal of an Obama-era rule on carbon dioxide emissions, because of his "closed mind."

In a formal comment submitted Wednesday to the docket for the repeal of the Clean Power Plan (CPP), Sens. Sheldon Whitehouse (D-R.I.), Jeff Merkley (D-Ore.), Brian Schatz (D-Hawaii) and Ed Markey (D-Mass.) wrote that Pruitt was unfit to oversee the repeal of CPP because of his history of lawsuits against the plan and the Obama administration when Pruitt was attorney general of Oklahoma.

"The evidence for Pruitt's inalterably closed mind on CPP rulemaking is overwhelming," the senators wrote. "It falls into three categories: (1) his deep and wide financial ties to the fossil fuel industry which is ferociously opposed to the CPP; (2) his status as a previous petitioner suing the EPA to block the CPP; and (3) his numerous statements denouncing the CPP, questioning the ability to regulate carbon emissions under the [Clean Air Act] as the CPP proposes to do, and casting doubt on climate science."

"When clear and convincing evidence exists that a regulator possesses an inalterably closed mind about a subject covered by a rulemaking, s/he is not permitted to participate in the rulemaking," they wrote. "Pruitt's extensive involvement in CPP litigation means that he cannot be impartial in CPP rulemaking and therefore must recuse himself."

The senators also mentioned Pruitt's history of receiving donations from some of the very groups the CPP could directly affect, noting that in his four campaigns for elected office between 2002 and 2014, Pruitt collected more than \$350,000 from businesses and individuals in the energy and natural resources sector.

Since coming to the EPA, Pruitt has taken swift actions to roll back or do away with a number of Obama-era regulations he's deemed over-reaching.

CPP was a ruling, in particular, Pruitt has said does not carry the weight of law as afforded to EPA by Congress.

In October Pruitt sent an official notice of proposed rulemaking to repeal CPP.

"The Obama administration pushed the bounds of their authority so far with the CPP that the Supreme Court issued a historic stay of the rule, preventing its devastating effects to be imposed on the American people while the rule is being challenged in court," Pruitt said in a statement at the time. "We are committed to righting the wrongs of the Obama administration by cleaning the regulatory slate. Any replacement rule will be done carefully, properly, and with humility, by listening to all those affected by the rule."

Pruitt has pointed to a 2016 Supreme Court stay of the rule following the hefty legal battles it faced as proof that CPP is illegal. The rule was never implemented under Obama.

In an interview released last week with the New York Time's podcast, "The Daily," Pruitt argued that the EPA is not expressly responsible for regulating the effects of climate change — something the Obama administration had in mind when establishing CPP.

Washington Post

https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2018/02/07/the-energy-202-democratic-senators-demand-pruitt-recuse-himself-from-rewriting-clean-power-plan/5a7a2dd130fb041c3c7d7680/?utm_term=.f8c10053e1bf

The Energy 202: Democratic senators demand Pruitt recuse himself from rewriting Clean Power Plan

By Dino Grandoni, 2/7/18, 9:13 AM

A group of Democratic senators is demanding that Environmental Protection Agency chief Scott Pruitt recuse himself from repealing one of President Obama's signature environmental rules, which is intended to curb the release of greenhouse gases from the nation's power plants.

Late Tuesday, the four senators — Sheldon Whitehouse of Rhode Island, Edward J. Markey of Massachusetts, Jeff Merkley of Oregon and Brian Schatz of Hawaii — submitted a comment to the EPA on repealing the Clean Power Plan, arguing Pruitt "must recuse himself from overseeing any and all rulemaking with respect to the Clean Power Plan."

Pruitt sued the EPA a total of 14 times as attorney general of Oklahoma. Four of those suits concerned the CPP.

The senators argue Pruitt's participation in the repeal process would violate federal regulations "governing impartiality in performing official duties" since Pruitt is "inalterably" narrow-minded with regard to the CPP in particular and climate change in general. The language echoes that of similar requests for recusal submitted by four environmental organizations as well as by a coalition of 19 left-leaning states and cities.

"A private citizen (or even a state attorney general) has the luxury of making up his mind and never changing course," the states and cities wrote in a docket submission last month. "The decision maker in an administrative proceeding, however, does not."

As recently as March, the senators note, Pruitt said carbon dioxide was not the "primary contributor to the global warming that we see," in contradiction to EPA scientists.

Three of the four Democrats serve on the Senate Environment and Public Works Committee, which oversees the EPA. The submission is the latest salvo from Democrats on the panel following a contentious meeting last week at which Pruitt testified.

During the hearing, Whitehouse asked Pruitt if he remembered a 2016 radio interview in which he referred to then-candidate Trump as "dangerous" and "a bully."

"I don't, senator," Pruitt replied. "And I don't echo that today at all." ("I bet not," Whitehouse said in response.)

When reached for comment on the Democrats' move, the EPA referred The Washington Post to a January 2017 letter Kevin Minoli, principal deputy general counsel at the agency, sent to Sen. Tom Carper of Delaware, the Environment Committee's top Democrat, spelling out the agreement Pruitt negotiated with the Office of Government Ethics. That month, Democrats raised the issue of recusal at Pruitt's confirmation hearing.

Under that agreement, Pruitt recused himself from the CPP litigation in which he was involved. But the ethics agreement does not bar him from setting policy going forward.

The Democratic demands are an amplification of the hard-edged rhetoric Democrats have deployed against Pruitt. But Richard J. Pierce Jr., an administrative law professor at George Washington University, said the request "has no chance at all" of success legally.

"Policy-based differences can never be the basis for recusal," Pierce said. "Otherwise one administration can't replace another."

Whitehouse's office pointed to entities beyond the OGE that could take up the question of Pruitt's impartiality on CPP, including the EPA's inspector general's office and the courts.

Daily Caller

<http://dailycaller.com/2018/02/06/trump-coal-plants-open-cpp/>

Trump Repealed One EPA Regulation And Brightened Coal Country's Future

By Michael Bastasch, 2/6/18, 2:05 PM

The Trump administration's decision to rescind global warming regulations on power plants likely prevented more coal plants and mines from shutting down, according to government data.

The U.S. Energy Information Administration (EIA) latest energy outlook projects coal-fired power capacity to continue to decline through 2050, but fewer coal plants will retire than if the Clean Power Plan (CPP) had been left in place.

"Adoption of the Clean Power Plan or similar greenhouse gas emission restrictions by regional or state authorities results in 15 GW [gigawatt] of additional coal power plant retirements by 2030 and 19 GW by 2050 in the Reference case," according to EIA.

Environmental Protection Agency (EPA) Administrator Scott Pruitt announced last year he would repeal the CPP, which was finalized by the Obama administration in 2015. The CPP required states to cut carbon dioxide emissions from existing power plants.

A coalition of states, businesses and unions successfully got the U.S. Supreme Court to issue a stay against the CPP in early 2016, meaning the rule never fully went into effect. The Obama EPA did, however, move forward with voluntary aspects of the CPP.

Environmentalists cheered the CPP, arguing it was necessary to fight global warming. But a major consequence of the rule was it would likely accelerate the closure of coal-fired plants and mines.

EIA data suggests the Trump administration's rescinding the CPP will mean fewer plants close and the U.S. has more coal-fired power than it otherwise would have.

Without the CPP, "near-term coal power plant retirements and competition with natural gas-fired electricity generation result in a slight decline in coal-fired generation through 2022 before stabilizing at about 1,200 billion kilowatthours (BkWh) through 2050," EIA reported.

With the CPP in place, "coal-fired electricity generation continues to decline through 2030 to about 1,000 BkWh, then declines very gradually through 2050," according to EIA.

For coal production it's a similar story. Without the CPP in place, "coal production rises slightly in the mid-2020s, rising to 750 MMst in 2030 before decreasing slightly as natural gas prices increase and as renewable capacity additions slow with the expiration of the production tax credit for wind installations," EIA projected.

The coal industry saw a slight uptick in 2017, largely due to rising international demand for U.S. coal for steel and power generation. Analysts also said Trump administration deregulatory efforts "brightened" coal's prospects.

Though, the industry still has a long climb. Some 60 gigawatts of coal-fired power has been shuttered in the past few years, partly because of burdensome environmental regulations.

EIA data shows a near-record amount of coal-fired power capacity is slated for shutdown in 2018.

AP

<https://apnews.com/e1de3799fb044240a0ff22d13be43397/Senate-committee-advances-coal-lobbyist-to-serve-at-EPA>

Senate committee advances coal lobbyist to serve at EPA

By Michael Biesecker, 2/7/18

WASHINGTON (AP) — Republican senators used their majority to advance President Donald Trump's nomination of a former coal-industry lobbyist to serve as the second-highest ranking official at the Environmental Protection Agency.

The Environment and Public Works Committee voted along party lines 11-10 on Wednesday to send the nomination of Andrew Wheeler to the full Senate for a vote.

Before his nomination as EPA's deputy administrator, Wheeler was a lobbyist whose clients included Murray Energy, one of the nation's largest coal mining companies.

Wheeler accompanied company CEO Bob Murray last year during meetings to lobby the Trump administration to roll back environmental regulations affecting coal mines. Asked about the meetings during a November hearing before the Senate committee, Wheeler said he couldn't remember details. The administration later carried out some of the recommended actions.

Bloomberg

<https://www.bloomberg.com/news/articles/2018-02-07/before-backing-lobbyist-for-epa-job-senators-were-feted-by-him>

Before Senators Advanced Him for EPA Job, This Lobbyist Fundraised for Them

By Jennifer A. Dlouhy, 2/7/18, 11:34 AM

The coal lobbyist in line for the No. 2 job at the Environmental Protection Agency hosted fundraisers for top Republicans on the committee that advanced his nomination Wednesday.

Andrew Wheeler, tapped to be the EPA's deputy administrator, was narrowly approved by the Senate Environment and Public Works Committee on a party line vote Wednesday, sending his nomination to the full Senate.

But last May, while Wheeler was an outside lobbyist for energy companies including coal miner Murray Energy Corp. and uranium explorer Energy Fuel Resources Inc., he helped organize Washington fundraisers for the committee's chairman and former chairman -- Senators John Barrasso of Wyoming and James Inhofe of Oklahoma.

The events, first reported by The Intercept and the watchdog group Documented on Wednesday, included a lunch with former Inhofe staffers at a Mexican restaurant in Washington on May 4, 2017, and a breakfast at Wheeler's K Street office roughly two weeks later.

Attendees paid at least \$500 to attend both events, according to a list of fundraisers distributed by the National Republican Senate Committee at the time. The price to be a named host was twice that for Barrasso's May 18 breakfast and \$500 for the Inhofe lunch.

Both sessions came months before Wheeler was formally nominated in October.

Wheeler is a former Republican staffer on the Environment and Public Works Committee and a former aide to Inhofe. Inhofe has described Wheeler as a "close friend" -- a relationship developed over Wheeler's long tenure with the senator, dating back to the nominee's service as chief counsel in 1995. Wheeler also wasn't alone in organizing the events; he was joined by other former Inhofe staffers now in private practice as hosts of that senator's fundraiser, billed as an "alums" lunch.

Since leaving the Senate, Wheeler has worked for the firm Faegre Baker Daniels LLP.

Although laws restrict partisan political activities by federal government employees, Wheeler was in private practice at the time and therefore not barred from contributing to the senators or organizing fundraisers on their behalf. And it's common practice for former congressional staffers to arrange fundraising events for their previous bosses once they leave Capitol Hill.

"Former staffers host fundraisers for their former bosses all the time," said EPA spokesman Jahan Wilcox. "This isn't news."

A representative for Barrasso declined to comment. Representatives for Inhofe did not immediately comment.

Democrats on Wednesday decried Wheeler's close ties with industry, saying it could contaminate his work at EPA.

"He is another lobbyist for another industry, in an administration that promised to drain the swamp but instead we see a revolving door of lobbyists and D.C. bureaucrats taking appointments in the administration to new levels on issues directly related to their former clients," said Senator Jeff Merkley, a Democrat from Oregon.

AP

<https://apnews.com/29086b5da1a542ee9980d054259894a5/Attorneys-general-sue-Trump-administration-over-water-rule>

Attorneys general sue Trump administration over water rule

By Verena Dobnik, 2/7/18

NEW YORK (AP) — Eleven Democratic state attorneys general on Tuesday sued President Donald Trump's administration over its decision to delay implementation of an Obama-era rule that would have expanded the number of wetlands and small waterways protected by the Clean Water Act.

New York Attorney General Eric Schneiderman said last week's decision by the Republican administration to postpone implementation of the 2015 Clean Water Rule for two years is an assault on public health.

"We will fight back against this reckless rollback and the Trump administration's continued assault on our nation's core public health and environmental protections," Schneiderman said in a statement.

Environmental Protection Agency Administrator Scott Pruitt has called the rule an overreach that could hurt farmers and ranchers. Mining and industry groups also opposed it.

The lawsuit was filed in New York by Schneiderman and his counterparts in California, Connecticut, Maryland, Massachusetts, New Jersey, Oregon, Rhode Island, Vermont, Washington and the District of Columbia. It seeks to stop the government from blocking implementation of the rule while considering alternatives.

The regulation was put on hold for the past two years by various court challenges that kept it from taking effect.

Schneiderman said the delay jeopardizes protections for streams that help provide drinking water to more than half of New York state residents and more than 100 million other Americans.

The attorneys general accuse the EPA and the U.S. Army Corps of Engineers of violating federal law. They claim the EPA does not have the authority to hold off on a regulation that “rests on a massive factual record,” according to the suit.

Public outreach in past years elicited more than 1 million comments, and was based on scientific studies demonstrating how waters are connected by tributaries, streams and wetlands, the attorneys general said.

The Hill

<http://thehill.com/policy/energy-environment/372586-states-greens-sue-trump-over-obama-epa-water-rule-delay>

States, greens sue Trump over Obama EPA water rule delay

By Timothy Cama, 2/6/18, 3:34 PM

Ten Democratic states and a coalition of environmental groups sued the Trump administration Tuesday for delaying enforcement of an Environmental Protection Agency (EPA) rule meant to protect waterways.

Led by New York Attorney General Eric Schneiderman (D), the Southern Environmental Law Center and the Natural Resources Defense Council, the challengers say EPA head Scott Pruitt violated required legal processes and ignored his legal obligation to protect water supplies when he pushed off the Clean Water Rule.

Pruitt last week finalized an action to delay the rule, also known as Waters of the United States, for two years. He is in the process of completely repealing and replacing it, but the delay ensures that it won't take effect while that process is ongoing.

“Clean water is fundamental to New Yorkers' health, environment, and economy,” Schneiderman said.

“The Trump administration's suspension of the Clean Water Rule is clearly illegal, threatening New York's decades-long efforts to ensure our residents have access to safe, healthy water,” he said. “We will fight back against this reckless rollback and the Trump administration's continued assault on our nation's core public health and environmental protections.”

“The administration is pretending that pollution dumped upstream doesn't flow downstream, but its plan puts the water used by hundreds of millions of Americans for drinking, bathing, cooking, and recreation at risk,” said Blan Holman, an attorney with the Southern Environmental Law Center.

“We are going to court to protect clean water across the country.”

The 2015 rule from the Obama administration asserted federal authority under the Clean Water Act over small waterways like wetlands and streams, in order to ensure federal government protections from pollution or other harms.

Republicans and industries like agriculture and developers ardently oppose the rule, saying it gives the government power over vast swaths of water and dry land.

The EPA shot back against the lawsuits, pointing out that the 2015 rule never went into effect.

“It's worth noting that these lawsuits are over an embattled regulation that's been put on hold by the courts to prevent it from taking effect,” said EPA spokesman Jahan Wilcox. “Our delay rule will keep in place that status quo.”

The states' lawsuit was filed in the Manhattan-based District Court for the Southern District of New York. Some of the green groups filed suit in the Charleston-based District Court for the District of South Carolina, while others filed in the New York southern district.

The Hill

<http://thehill.com/policy/energy-environment/372556-sen-dems-send-epa-chief-letter-questioning-stark-decline-in-grant-awards>

Dem senator questions EPA on stark decline in grant awards

By Miranda Green, 2/6/18, 2:03 PM

The top Democrat on the Senate Environment and Public Works Committee sent a letter to the head of the Environmental Protection Agency (EPA) Tuesday, calling into question a dramatic decrease in grant funding awarded by the agency in the past year.

According to Sen. Tom Carper (D-Del.), his staff's review of publicly available data on EPA grant awards found that in 2017 the agency awarded \$1.1 billion in the first three quarters, only a third of the \$3.5 billion awarded in the same time frame the previous year.

In the letter sent to EPA Administrator Scott Pruitt on Tuesday, Carper questioned the reason behind the agency's decrease in grant awards and asked what the agency was doing with the nearly \$4 billion it was allotted through Congress to award to nonprofits and local governments.

Carper added that his office's analysis of the data found that almost every U.S. state had seen a decrease in EPA funding in 2017 compared to 2016. Nine states, including New York, New Jersey, Arizona and Wyoming, saw more than a 90 percent decline in reported funding.

Additionally Carper questioned a delay in EPA reporting of grant awards, noting that the database had not been updated since the end of September, even though the Federal Funding Accountability and Transparency Act required it make the data available within a publicly searchable database within 30 days.

"It appears from the analysis conducted by my staff that EPA is either not awarding the money Congress appropriated, or it is not reporting this data to the publicly searchable database as required by law, or both," Carper said in the letter.

Carper said his letter was a follow up to previous correspondence he sent the administrator in August, questioning the EPA's appointment of a political appointee to oversee the agency's issuance of grant decisions. Carper said Pruitt never sent him a response.

"We will respond to ... Carper through the proper channel," an EPA spokesman said in a statement on Tuesday.

E&E News PM

<https://www.eenews.net/eenewspm/stories/1060073055/search?keyword=EPA>

Steep decline in grant funding may be unlawful — Carper

By Sean Reilly, 2/6/18

U.S. EPA grant funding for states and other entities appears to have plummeted last year, Sen. Tom Carper (D-Del.) said in a letter today that questioned whether the Trump administration is flouting federal law.

From late January 2017, when President Trump was sworn in, until the end of the fiscal year in September, at least 49 states "saw declines in reported EPA funding" in comparison with the same period in 2016, Carper wrote to EPA chief Scott Pruitt. Nine states experienced a decline of more than 90 percent in reported funding, while 38 saw their reported funding drop by more than half, he said.

Carper, the ranking member on the Senate Environment and Public Works Committee, attributed the numbers to a staff analysis of grant awards reported by EPA to the governmentwide website USAspending.gov. By law, he said, EPA is supposed to post those awards to the site within 30 days.

Based on the analysis, he added, it appears that EPA "is either not awarding the money Congress appropriated, or it is not reporting this data to the publicly searchable database as required by law, or both."

His letter seeks an explanation for the discrepancy, along with a list of all 2016 grants that were not renewed in 2017. Carper also asked EPA to post all grant award data for the final three months of calendar year 2017 to USAspending.gov. As of today, Carper said, EPA has not forwarded any grant award information to the site since the end of September, the 30-day deadline notwithstanding.

EPA press staffers did not respond to a request for comment.

Of EPA's yearly budget of about \$8 billion, roughly half is doled out through grants, both through formula funding to state agencies and in competitively awarded money for research and other purposes.

Last summer, Pruitt took the unusual step of putting John Konkus, a political appointee in EPA's public affairs shop, in charge of reviewing all solicitations for grant applicants (Greenwire, Aug. 17, 2017). In a December court filing, the agency acknowledged that Konkus has also reviewed grant decisions; a now-retired EPA employee recently told E&E News that Konkus had challenged the need for funding the Bay Journal, a newspaper focused on the Chesapeake Bay, shortly before that grant was yanked (Greenwire, Jan. 4).

At an EPW hearing last week, Pruitt told lawmakers that decision was being reconsidered (Greenwire, Jan. 30). In today's letter, however, Carper said Pruitt has yet to reply to an August query for details of Konkus' role in reviewing grant solicitations. The apparent falloff in grant awards, Carper said, "makes your earlier determination to insert a political appointee into the process even more concerning, and additionally raises questions about agency reporting and adherence to the law."

Washington Examiner

<http://www.washingtonexaminer.com/sen-tom-carper-epa-spar-over-climate-grant-program/article/2648313>

Sen. Tom Carper, EPA spar over climate grant program

By John Siciliano, 2/6/18, 7:16 PM

The Environmental Protection Agency and Democratic Sen. Tom Carper sparred Tuesday over whether the EPA awarded its fair share of climate change grants to states after reports suggested the agency had been cutting its grant program.

The fight began after Carper, the top Democrat on the Environment and Public Works Committee, sent a letter to EPA Administrator Scott Pruitt on Tuesday as a follow-up to one he sent in the summer, informing Pruitt that an analysis done by Carper's staff suggests Pruitt is not awarding the grants, despite congressional appropriations to do so.

"It appears from the analysis conducted by my staff that EPA is either not awarding the money Congress appropriated, or it is not reporting this data to the publicly searchable database as required by law, or both," Carper wrote, asking Pruitt to respond to questions over the status of the grants.

The EPA hit back with a statement that suggested Carper was looking to get media coverage in releasing the letter, rather than an actual legitimate response to his questions.

"We find it unfortunate that Senator Carper would place his letter in the news rather than wait for a legitimate response to his question," EPA spokesman Jahan Wilcox said in a statement to the Washington Examiner. "Although EPA is continuing to analyze the information on grant funding Senator Carper provided in his letter sent this morning, it appears the data that the senator is reviewing is from an outdated source."

Carper pointed out that his letter is a follow-up to one he sent in August, asking Pruitt to explain why a political appointee in his Office of Public Affairs had been given the authority to decide on grant proposals. The situation "became even more troubling in light of reports that EPA cut or delayed several grants – many of which were related to climate change," the Delaware lawmaker wrote Tuesday.

Carper's staff report showed that states took a massive hit in receiving grants in 2017 compared to the final year of the Obama administration.

The report showed that at least 49 of 50 states saw grants decline, based on "reported EPA funding in 2017" compared to a similar period in 2016. Carper said grants equaled \$1.1 billion in the first three quarters of 2017, one-third of the \$3.5 billion awarded in the previous year.

EPA explained that the agency has not declined to post the grants to its database, but that the Treasury Department is now responsible for making the disclosures, which it plans to do later this year, according to Wilcox. The data was transferred to Treasury in the final quarter of 2017, but the database is currently "incomplete."

The EPA grant data that is being compiled for public record spans the period from Jan. 20, 2017, to Sept. 30, 2017, he said.

"In fact, all EPA grants data for the period through September 30, 2017, has been [sent to Treasury] timely and in accordance with [public data disclosure laws], and 99.84 percent of all grant actions requested by the program offices have been obligated or awarded," Wilcox said.

Carper is requesting that data be sent to his office by Feb. 21, with an explanation on "whether EPA chose not to spend the grant money allotted to it by Congress, or not to report that data completely as mandated by Congress, or some combination of both?"

E&E Climatewire

<https://www.eenews.net/eedaily/stories/1060073061/search?keyword=EPA>

Lawmakers urge caution after damaging study

By Arianna Skibell, 2/7/18

A group of Democratic lawmakers is urging U.S. EPA Administrator Scott Pruitt to contemplate the possible health impacts associated with rewriting the Clean Power Plan, former President Obama's signature climate mandate, after a study found the type of rule the agency is rumored to be considering could cause more deaths per year than no rule at all.

"We find your Advanced Notice of Proposed Rulemaking (ANPRM) for a replacement for the Clean Power Plan deeply concerning," they wrote to Pruitt, "as it signals that [EPA] may seek to replace the Clean Power Plan with a rule that could provide far fewer carbon reductions and cause greater harm from other pollutants."

The letter was signed by members of the Sustainable Energy and Environment Coalition, including Reps. Nanette Barragán of California, Bonnie Watson Coleman of New Jersey, Doris Matsui of California, Gerald Connolly of Virginia, Matt Cartwright of Pennsylvania, Chellie Pingree of Maine, Alan Lowenthal of California, Jared Polis of Colorado and Mike Quigley of Illinois. More are expected to join the missive.

Researchers from Harvard, Boston University and Syracuse University conducted the research in question. At a briefing with congressional staff yesterday, they explained the study's implications for a replacement climate rule.

Pruitt formally initiated repeal plans last year and has begun the process for issuing a replacement. While there has been debate about what the nature of a new rule would be, the Trump administration is believed to be looking for an "inside the fence line" action.

Such a step would target specific plants rather than states or regions and is supported by business groups critical of the Clean Power Plan but opposed to the absence of a climate standard.

'American lives in danger'

The researchers found that under the "inside the fence line" approach, smog would go down significantly in 2 states and soot would drop significantly in no states.

The rule would prevent 15 hospitalizations each year but would prevent negative 11 deaths and negative three heart attacks each year. In other words, the absence of the Clean Power Plan would mean more deaths and more heart attacks.

In comparison, the study found that a rule similar to Obama's design, known as a "beyond the fence approach," 3,500 lives would be saved each year and 1,000 hospitalizations and 220 heart attacks would be prevented. It would significantly decrease smog in 45 states and reduce soot in 26.

Study presenters included Kathy Fallon Lambert, director of science policy exchange at Harvard; Charles Driscoll, distinguished professor at Syracuse; Jonathan Buonocore, program leader for the center for health and the global environment at Harvard's T.H. Chan School of Public Health; and Dallas Burtraw, senior fellow at the think tank Resources for the Future.

The researchers said the major takeaway from their study is that a beyond-the-fence approach to regulating carbon emissions can produce widespread air quality, ecosystem and health benefits.

Critics of such an approach say the benefits are not worth the cost to the economy. They also say the Obama team overstepped current law by going outside the fence.

Still, the researchers said a valuable subset of estimated health benefits exceed estimated cost. They noted there are numerous health positives they did not incorporate into their calculations.

"Given that an inside the fence line approach to controlling carbon pollution from existing power plants could put more American lives in danger, we are opposed to its application," the lawmakers wrote.

"We instead encourage you to return to the basics of the Clean Power Plan, which encourages incorporation of cleaner energy sources and gives states needed flexibility to significantly reduce carbon pollution and improve public health," they said.

Endangerment finding

Separately, 50 lawmakers are calling on Pruitt to clarify where he stands on the endangerment finding, EPA's 2009 determination that certain greenhouse gas emissions threaten public health. It serves as the basis for regulating those emissions.

During a recent Senate Environment and Public Works Committee hearing, Pruitt said "there has been no decision or determination" regarding whether or not he would attempt to undo the bedrock protection.

In a letter sent yesterday, the lawmakers urged Pruitt to maintain the finding. Rep. Donald McEachin (D-Va.), who spearheaded the missive, said greenhouse gas emissions cause climate change, which threatens the public's health and well-being.

"Over time, the problems climate change is already causing — such as rising sea levels and recurrent flooding, worse and more severe droughts and storms, and a worsening of respiratory diseases like asthma — will get worse. The only way to prevent disastrous outcomes in the future is to aggressively curb emissions today — and the endangerment finding is crucial to our ability to do that," he said in a statement.

"That is why my colleagues and I want Mr. Pruitt to clarify now whether or not the Trump Administration will once again abandon thoughtfully researched and well-crafted regulations that protect public health for the benefit of the businesses that pollute our environment," McEachin said.

In the letter, the lawmakers note that NOAA determined that major weather events linked to climate change cost the country more than \$306 billion in 2017, the most expensive year on record. This is not an anomaly, they wrote, but part of an accelerating trend.

"Unchecked, these trends will only worsen — with potentially catastrophic consequences," they wrote.

Politico

<https://www.politicopro.com/energy/whiteboard/2018/02/court-gives-epa-more-time-on-overdue-ozone-designations-562904>

Court gives EPA more time on overdue ozone designations

By Alex Guillen, 2/7/18, 12:25 PM

The D.C. Circuit today rejected environmentalists' bid to force EPA to act on ozone pollution in San Antonio by the end of April.

EPA previously said it can finish all of the remaining designations under the 2015 ozone rule by April 30, except for San Antonio. The agency said it needs until Aug. 10 to consider updated data submitted by Texas last year before deciding whether the city must curb pollution.

But in a brief order today, the court declined to order EPA to act on San Antonio along with the other remaining areas by the end of April. Instead, the judges directed EPA to provide an update by May 15 on its progress on all ozone designations. It is not clear whether the court at that point will consider ordering EPA to finish San Antonio more quickly.

EPA was under a statutory deadline to issue the designations, which trigger requirements for polluted areas to act, by Oct. 1, 2017. Various green groups and states sued when EPA missed that deadline.

The order was issued by Judges Judith W. Rogers, David S. Tatel and Patricia A. Millett.

WHAT'S NEXT: EPA says it can finish most of the remaining designations by the end of April, and must update the court on its progress by May 15.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060073169/search?keyword=EPA>

Sierra Club sues over EPA about-face on power plant permitting

By Sean Reilly, 2/7/18

The Sierra Club is appealing U.S. EPA's recent rejection of an administrative challenge to a Utah power plant's operating permit, a decision that the agency also used to announce a national change in its interpretation of a key tenet of the Clean Air Act.

In a lawsuit filed this week, the environmental group asked the U.S. Court of Appeals for the District of Columbia Circuit to review EPA's denial of its 2016 petition contesting the "Title V" operating permit for the Hunter coal-fired plant in central Utah.

The petition had asked EPA to object to that state-issued permit, partly on the grounds that it did not include pre-construction "prevention of significant deterioration" requirements. Those requirements are supposed to protect air quality in areas that already meet EPA standards for common pollutants; the Sierra Club argued they should have been triggered in this case because of boiler projects and turbine upgrades undertaken in the late 1990s that qualified as "major modifications" to the 1,320-megawatt facility.

In a decision signed last October, EPA Administrator Scott Pruitt not only rejected the petition but said EPA would no longer "second-guess" states' pre-construction permitting decisions under the Title V program. That represented an about-face from the stance the agency had taken at least since 1999.

Under a letter issued that year by John Seitz, who then headed EPA's Office of Air Quality Planning and Standards, agency officials could object to a Title V permit when they believed that "an emission unit has not gone through the proper preconstruction permitting process."

Pruitt, however, wrote that it was more appropriate to return to EPA's prior reading, which held that Title V permitting oversight "is not intended to second-guess the results of state preconstruction permit decisions." Taking on that role is "inefficient," he added, given that the public has already had the opportunity to comment on such pre-construction permitting decisions, as well as challenge them in court.

Pruitt's decision was one of at least two in recent months to scrap long-standing EPA air quality policies. Last month, EPA air chief Bill Wehrum announced that he was withdrawing Seitz's 1995 "once in, always in" memo, which kept "maximum achievable control technology" standards in place for factories and other industrial polluters even when their emissions of air toxics fell below the thresholds that had originally triggered those standards.

A Federal Register notice marking Wehrum's decision is slated for publication tomorrow. EPA plans to soon take public comment on "adding regulatory text" to reflect his reading, according to the notice.

In challenging Pruitt's turndown of the Hunter plant petition, the Sierra Club yesterday also filed a separate suit before the 10th U.S. Circuit Court of Appeals, whose territory encompasses Utah. Because Pruitt's October decision set a nationally applicable interpretation of Clean Air Act permitting regulations, the case properly belongs in the D.C. Circuit, wrote Keri Powell, the group's lawyer.

The 10th Circuit suit was filed "as a protective matter" to preserve the Sierra Club's right to judicial review, Powell wrote, in the event that EPA contends the Denver-based court is the proper venue.

Karen Story

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Message

From: Shore, Berry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CCDB5298240449EBA038932B99491247-SHORE, BERRY]
Sent: 3/4/2016 2:37:38 PM
To: R2 EPA Region 2 (EPA Staff) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0b426b5295c4874ae24c7ad1f052dd8-R2 EPA Region 2 (EPA Staff)]
Subject: Morning Clips

Passaic River cleanup plan due today

NorthJersey.com : News : Environment
LAST UPDATED: FRIDAY, MARCH 4, 2016, 6:43 AM
BY SCOTT FALLON, STAFF WRITER |
NorthJersey.com : News : Environment

Federal officials plan to unveil a long-awaited final cleanup plan for the heavily contaminated Passaic River today that is scaled back from a proposal introduced two years ago but will still cost polluters more than \$1 billion.

The plan calls for about 20 percent less contaminated river mud to be removed, dropping the cost from \$1.7 billion to about \$1.38 billion, according to two sources who were independently briefed on the cleanup by the Environmental Protection Agency on Thursday. That would still make it one of the costliest Superfund site cleanups in the program's history.

The plan will be announced today at a news conference in Newark.

Several officials are expected to be in attendance, including Sens. Bob Menendez and Cory Booker, New Jersey Democrats.

The change in the cleanup is due to the agency shortening by about half a mile the length of a navigational channel it plans to dredge, according to those who were briefed. They were told that the EPA still plans to transport contaminated material by rail to a special landfill or incinerator in another state or Canada.

Environmental and community groups had feared the agency might have decided a cheaper alternative and deposit the pollution in a local containment unit.

An EPA spokesman would not comment on the plan Thursday.

As proposed two years ago, the cleanup will still leave more than half of the pollution in the river's lower eight miles. A barrier would be placed over more than 5.4 million cubic yards at the river bottom to keep it from getting into the food chain. The most likely way humans could get sick from Passaic River contamination is by eating contaminated fish.

The plan does not address the remaining nine contaminated miles of the river from Belleville to the Dundee Dam, which spans Garfield and Clifton. A study of the area is ongoing.

About 100 companies that either polluted the river or inherited the liability of past polluters are on the hook to pay for the cleanup. Many of the companies, which range from Fortune 500 corporations to small businesses, had been lobbying for a much smaller and less expensive cleanup. They focused on dredging 25 hot spots in the river rather than the EPA's plan to dredge all the river's lower eight miles, where the concentration of cancer-causing dioxin, PCBs, mercury and other industrial pollution is greatest.

The Passaic River is one of the most contaminated waterways in the United States, with pollution dating back more than 200 years, when textile mills took advantage of the river's strong current to power their operations and dispose of waste.

Pollution worsened in the 20th century with chemical manufacturers and other industry lining the riverfront, including the Diamond Alkali plant in Newark, which dumped dioxin into the river while making the infamous Vietnam-era defoliant Agent Orange.

Some of the companies responsible for the Passaic pollution are high-profile, deep-pocketed corporations, including DuPont, Hess, Honeywell, Otis Elevator, Pfizer, Sherwin-Williams, Stanley Black & Decker and Tiffany & Co.

While cleanups in the Passaic have occurred near the Diamond Alkali plant and in Lyndhurst at a contaminated mudflat, no large stretch of the river has yet been remediated.

In April 2014, the EPA announced a plan to remove 4.3 million cubic yards – enough to fill MetLife Stadium twice – from the mouth of the river at Newark Bay to Belleville. The EPA said it would rid the river of 18 pounds of highly toxic dioxin, 35,000 pounds of mercury, 15,000 pounds of the industrial lubricant PCBs and 2,000 pounds of the pesticide DDT.

The EPA had planned to finalize the plan last year, but was delayed after being inundated with hundreds of comments, ranging from one-page emails to a 1,300-page report from some of the companies responsible for paying for the work.

The new plan calls for 3.5 million cubic yards to be removed.

The plan still calls for dredged mud to be taken by barge to a local facility that would separate water from the sediment.

The water would then be cleaned and discharged back into the Passaic. The sediment would be transported by rail to facilities in the U.S. or Canada. Material containing dioxin would be incinerated and the rest buried in a landfill that handles toxic material.

The EPA had considered burying the contaminated material in Newark Bay, which would have cost \$700 million less. The state Department of Environmental Protection and local leaders opposed that plan.

The Passaic cleanup would still rival some of the costliest efforts, such as the Hudson River where General Electric Co. spent more than \$1 billion to remove 2.5 million cubic yards of sediment contaminated with PCBs. Email: fallon@northjersey.com

Flint Is in the News, but Lead Poisoning Is Even Worse in Cleveland

By MICHAEL WINES

MARCH 3, 2016

NY Times

CLEVELAND — One hundred fifty miles northwest of here, the residents of Flint, Mich., are still reeling from the drinking water debacle that more than doubled the share of children with elevated levels of lead in their blood — to a peak, in mid-2014, of 7 percent of all children tested.

Clevelanders can only sympathize. The comparable number here is 14.2 percent.

The poisoning of Flint's children outraged the nation. But too much lead in children's blood has long been an everyday fact in Cleveland and scores of other cities — not because of bungled decisions about drinking water, but largely because a decades-long attack on lead in household paint has faltered. It is a tragic reminder that one of the great public health crusades of the 20th century remains unfinished.

“Unless there is some sort of concerted national effort to do something about this problem, it's going to persist for years to come,” said Philip J. Landrigan, a leading expert on lead and professor of preventive medicine and pediatrics at the Mount Sinai School of Medicine.

“Lead is a big problem in this country, and it frustrates me to no end that except in rare cases, it passes unnoticed.”

Four decades ago, political leaders declared war on lead, citing evidence that even vanishingly small amounts of it have a pernicious impact on young brains, stunting intellectual growth and affecting cardiovascular, immune and hormone systems. The federal government began phasing out leaded gasoline in 1975, and banned lead-based household paints in 1978. In 2000, a cabinet-level task force proposed to end lead poisoning in children within a decade.

By 2006, blood lead levels in children under 6 had fallen to close to a tenth of their 1970s levels.

But progress since has slowed. By the most recent estimate, about 37 million homes and apartments still have some lead paint on walls and woodwork, 23 million with potentially hazardous levels of lead in soil, paint chips or household dust.

The Centers for Disease Control and Prevention estimate that four million of those most dangerous households have children. A half-million children — in Atlantic City, Philadelphia and Allentown, Pa., where a remarkable 23.1 percent of children tested had excessive lead — are believed to have enough lead in their blood to merit a doctor's attention.

That need not happen. New York City has a vast and aged housing stock and one of the nation's strictest laws on lead testing and removing lead hazards. In 2014, only 2.1 percent of children tested were flagged for excessive lead.

But in most cities, the lead threat is confined largely to poor neighborhoods with scant political clout. There is little official urgency — and increasingly, little money — to address it.

“It took me three years and two applications to get the city to do what was needed to make my dwelling lead-free,” she said. “I had to apply twice because funding was exhausted. You had to be relentless to make it happen.”

Almost five years later, Zy'aire shows no physical effects from the lead, but its effect on his mental development remains unclear.

Researchers argue that failing to attack lead paint hazards is a costly mistake. A 2009 study calculated that every dollar spent on that would generate up to \$221 in benefits — in increased productivity, greater tax receipts and lower health care and education costs.

And not the least, in reduced crime. Researchers have long linked high blood lead levels to impulsiveness and violence.

The C.D.C. has consistently lowered its definition of an elevated blood lead level: 60 micrograms per deciliter, then 10, and, as of 2012, five — less than a millionth of an ounce in a little more than a pint of blood.

Yet experts say that is still too much. A 2005 study concluded that increasing a child's blood lead level to 10 micrograms from 2.4 translated to a 3.9-point drop in I.Q. A 2015 study of Chicago elementary school students concluded that blood lead concentrations of five to nine micrograms explained up to 15 percent of failing grades in reading and math.

Even tiny increases, below five micrograms, "are associated with significant decrements in performance on standardized tests," the researchers said.

The 2000 cabinet task force found that the lead danger to children then could be substantially eliminated for what, in federal terms, was a pittance: \$2.1 billion, over 10 years, to eliminate lead hazards in old homes that posed the greatest threat.

Congress never allotted the full amount, and since 2003, funding for lead-abatement programs has fallen by 43 percent.

"We know how to fix it," said David Jacobs, a chief contributor to the task force who ran the federal lead program from 1995 to 2004. "The technology is there. It's just a matter of political will to properly appropriate the money."

Money for screening children has also fallen. The C.D.C. has cut state grants for lead poisoning prevention by more than half since 2009, and the share of children younger than 6 who are tested has fallen by more than 40 percent. Sixteen states do not even forward the results of lead tests to the federal authorities.

The Ohio Legislature established a Lead Poisoning Prevention Fund in 2003 to attack the lead-paint problem in older homes and to pay for blood tests of children without medical insurance — but never gave it even a dollar.

On Cleveland's east side, the Glenville neighborhood embodies the neglect of the lead problem and the hope that it might be erased.

At the turn of the 20th century, Glenville was called Cleveland's Gold Coast, a mansion-studded enclave where John D. Rockefeller had donated land for the city's largest park. By the 1960s, the wealthy had fled to the suburbs and Glenville was part of the inner city, poor and almost entirely black.

In 1967, Thajuan Perry was 5 years old, living in a Glenville apartment with her parents, when it became clear that something was wrong with Eric, her baby brother. Eric once crawled around the rooms; suddenly, he was neither moving nor making noises.

"He would just gaze for long periods," Ms. Perry said. "It went from gazing to seizures, and from seizures to a coma."

Eric was hospitalized with lead poisoning, sickened by dust and paint chips on the apartment floor. At age 50 today, he can speak only simple sentences, takes anti-seizure medication and works at a center for the disabled.

"A 2009 study calculated that every dollar spent on that would generate up to \$221 in benefits"

Local people thought there local government should address these issues. For years those city's have allowed their infrastructure to...

Ms. Perry is his full-time caretaker. "The thing about lead poisoning," she said, "is that you don't know you've been affected until you have symptoms. At the time, most parents didn't realize that apartments had lead-based paint."

In Cleveland, many still do not.

In 2010, researchers estimated that 7.7 percent of the nation's black children younger than 6 had blood lead levels above five micrograms per deciliter. But in Glenville, 26.5 percent of children tested in 2014 — 286 children in all — exceeded that standard. Two registered more than 45 micrograms, the threshold for hospitalization to remove lead from the body.

Cleveland tested less than half its under-6 population. How many other children are at risk is unknown, but an Ohio State University analysis suggests that in some census tracts, it could be more than four in 10.

Dr. Dorr Dearborn, a retired pediatrician and chairman emeritus of Case Western Reserve University's department of environmental health sciences, said widely elevated lead levels "give these children an abnormal base to which all the other determinants of school failure and aggressive behavior are added."

Dr. Dearborn has long campaigned for Cleveland to erase lead-based paint from its homes — nearly nine in 10 of the city's houses were built before the 1978 ban — but Clevelanders were oblivious.

That changed last October, after a series of articles in The Plain Dealer reported that the city's Department of Public Health had failed to investigate more than 2,100 cases of lead poisoning during the previous five years. Until 2015, the city had but one employee to inspect homes where lead poisoning occurred.

City officials contest some of those numbers, but in an interview conceded that the city's lead safety efforts were a mess. The main reason, they said, was a lack of money.

When the C.D.C. began cutting lead poisoning prevention grants in 2010, the officials said, the Health Department had to curtail lead tests and lay off inspectors. In 2012, federal officials withdrew Cleveland's multimillion-dollar grant for addressing lead in homes because the city's track record was so poor.

Some critics are less sympathetic, noting that the city has found money for other projects — including \$30 million for a 2013 renovation of its National Football League stadium — while lead abatement languished.

"A lot of folks failed," said Kim Foreman, the director of Environmental Health Watch, a local group that works to ease lead and other health threats in homes. "The layperson, they thought we dealt with lead. But you also have a lot of folks affected who are people of color or low-income people. And honestly, people are not as concerned about them."

The city vows to do better. The Health Department is to get new leadership; officials have committed to hire more lead inspectors. A new data system will better track lead cases and integrate with other departments that inspect or repair homes. The lost federal grant was reinstated last fall.

Perhaps most important, community leaders have started to face the problem and work on ways to solve it. University Hospital's network, the Cleveland Clinic and others are devising a program to address lead poisoning and infant mortality in neighborhoods near Case Western.

Glenville is at the head of the **list**.

Bird poop apparently caused New York nuclear reactor outage

March 3, 2016

CBS News

ALBANY, N.Y. -- Bird poop was the likely cause of a December shutdown at a nuclear power plant outside New York City, according to the operator.

An Indian Point reactor safely shut down for three days starting Dec. 14 following an electrical disturbance on outdoor high voltage transmission lines, Entergy Corp. said. An outside expert is analyzing whether what's technically called bird "streaming" was the culprit.

In a report to the Nuclear Regulatory Commission last month, the New Orleans-based company said the automatic reactor shutdown was apparently from bird excrement that caused an electric arc between wires on a feeder line at a transmission tower.

"If it has nowhere to send its electricity, the generator senses that and automatically shuts down," Entergy spokesman Jerry Nappi said.

Plant managers told the NRC they were revising preventive maintenance for additional inspection and cleaning and installing bird guards on transmission towers.

Nappi said he couldn't recall a similar incident in the past several years from birds at Indian Point, which is located along the Hudson River north of New York City. He didn't immediately know what type of bird was suspected. No carcass was found, he said.

Nuclear Regulatory Commission spokesman Eliot Brenner said it's not uncommon for wildlife to trigger electrical outages on transmission lines regardless of the generation source of the electricity. "Squirrels are the biggest offenders," he said.

He didn't know if the NRC was specifically tracking animal-related reactor outages. "They're kind of few and far between, but certainly not unheard of," he said.

A recent radioactive leak at the plant had prompted renewed calls for the site to be shut down, amid growing concerns about the potential damage a nuclear accident could cause in one of the most densely populated parts of the country.

In the past year alone there have been a number of mishaps at Indian Point, including a power failure in the reactor core, a transformer fire, an alarm failure, and the escape of radiated water into groundwater. The plant sits about 25 miles north of New York City.

Neil Sheehan, a representative for the U.S. Nuclear Regulatory Commission, told CBS News last month that the NRC is continuing to review the recent tritium leakage at Indian Point.

"We recently sent a radiation protection specialist to the plant to assess the situation and learn more about what happened. He was assisted by our three Resident Inspectors assigned to the plant on a full-time basis," he said in an email.

NRC is also currently reviewing Indian Point's renewal license, which would authorize it to continue operating for another 20 years. But environmental groups say the region needs to utilize other options to meet its energy needs.

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Divide Grows in Southeast Over Offshore Drilling Plan

By CORAL DAVENPORT

MARCH 3, 2016

NY Times

KURE BEACH, N.C. — On a recent frigid night, anxious residents, many in “Protect Our Coast” sweatshirts, packed the town hall here, spilled onto the lawn, and then erupted in cheers as their town government gavelled in a resolution urging President Obama to block oil drilling off their shoreline. “Some things are just too precious to risk,” Mayor Emilie Swearingen said.

That afternoon, 140 miles inland in Raleigh, the state capital, Obama administration officials and oil company representatives had outlined plans to move forward with the drilling before a very different crowd, and state lawmakers liked what they heard. “You’re talking about creating over 100,000 jobs,” said Michael Hager, the House Republican leader. “You’re doggone right this is good for the state.”

Within weeks, the Obama administration is expected to release a proposal to open up vast tracts of federal waters in the southern Atlantic to oil and gas drilling for the first time, and a divide is growing between the Southeast’s coast and its landlocked capitals. The plan, written by the Interior Department, is expected to delineate the waters that would eventually be auctioned and leased to energy companies, which in turn would bring the drilling industry to the banks of Georgia, Virginia and North and South Carolina, along with thousands of oil rigs well over the horizon from the beach.

A town hall meeting in January in Kure Beach, which unanimously passed a resolution to oppose seismic testing off its shores. Credit Travis Dove for The New York Times

The move has the backing of the Republican governors of Georgia, North Carolina and South Carolina, and the Democratic governor of Virginia, along with Republican majorities in all those state legislatures. From Raleigh to Richmond, statehouse denizens see new jobs and billions of dollars from royalty revenues to improve roads, schools and public salaries. Among the highest profile politicians in the capitals, at least one, Virginia’s lieutenant governor, Ralph S. Northam, is opposed, although his voice is lonely. Last Thursday, he sent a letter to Obama administration officials asking them to exclude Virginia’s waters from the offshore drilling plan.

“I grew up on Virginia’s Eastern Shore and have worked just about every job one might have on the Chesapeake Bay,” he wrote.

Coastal residents in towns and cities like Norfolk, Charleston and Kure Beach share his concerns — and see potential disaster, even if the rigs are no less than 50 miles offshore and well out of sight. Fearful of a repeat of the 2010 Deepwater Horizon oil spill, which killed 11 workers and spewed 200 million gallons of crude into the Gulf of Mexico, at least 106 coastal towns in the Southeast have passed resolutions urging the Interior Department not to move ahead. More than 80 East Coast state legislators and the owners of about 1,000 coastal businesses have signed letters to Mr. Obama opposing the drilling.

“For an uneducated guy who needs a job, it’s a good opportunity,” allowed John Hicks, a retired tool and die worker, fishing off the pier in Kure Beach. “But I also think about what it means for my 11-year-old daughter. An accident that messes up the coast could destroy her future. And I guess I care more about her future.”

Even if the rigs are out of sight, some opponents fear the transformation of the quiet Outer Banks into bustling oil towns.

“Our area has a billion-dollar tourist industry,” said Monica Thibodeau, a member of the Town Council in Duck, N.C. “The risk of drilling isn’t worth losing that.”

The split is more regional than partisan. Coastal Republicans fear the destruction of their tourist industries as much as seaside Democrats, while landlocked members of both parties envision new revenue for schools and highways.

Representative Mark Sanford, a former South Carolina governor and a conservative Republican from Charleston, is fiercely critical of his state's current Republican governor, Nikki R. Haley, for her support of the drilling. "It's a lesson to how to be tone deaf to the American public," he said. "Hearings were held in this congressional district and communities up and down the coast, and the response was overwhelming — they came out with resolutions against the drilling. There is an amazing disconnect between what people are saying in the statehouses and in the areas that would be most impacted."

In Raleigh, State Representative Rodney Moore, Democrat of Charlotte, saw things the way Ms. Haley does: "It's a good thing if it can generate revenue for our state, if it can be done safely."

The fight is playing out as a global oil glut has driven down prices to more than 10-year lows and depressed domestic exploration and extraction. But the industry sees the Atlantic drilling, which would not start for at least five years, as a long-term investment in a future in which oil prices rebound and supplies remain volatile.

"If there's one thing for sure in the oil and gas industry, it's change," said Andrew Radford, a policy adviser for the American Petroleum Institute, the oil and gas industry lobby. "Having new exploration opportunities is really important for the industry to replace the resources we're producing now."

A resident fishing in Kure Beach. Many coastal towns in the Southeast fear the effect that oil drilling could have on the environment and tourism. Credit Travis Dove for The New York Times

The Atlantic Coast States' interest in pursuing drilling off their shores is relatively recent, as is the legal authority to do that work. While offshore drilling has been an integral part of the coastal economy of the Gulf of Mexico since the 1940s, lawmakers from both parties in the Atlantic Coast States resisted the push by oil companies to explore Atlantic waters, supporting a longstanding legal moratorium on Pacific and Atlantic coastal drilling. That calculus changed after a 2006 law, written by former Senator Mary L. Landrieu, Democrat of Louisiana, which for the first time required oil companies to pay a portion of offshore drilling royalties directly to nearby Gulf Coast states.

Until passage of that law, oil companies drilling in federal waters were required to pay royalties only to the United States Treasury. Since passage, Louisiana alone has taken in more than \$10 billion in new royalty revenue.

Coastal lawmakers persuaded Congress to lift the offshore drilling ban in 2008, hoping the Landrieu legislation could be expanded to include their states, and they have since pressed Mr. Obama to lease the coastal waters for drilling.

The Interior Department estimates there are 3.3 billion barrels of recoverable oil on the Atlantic's outer continental shelf and 31.3 trillion cubic feet of natural gas. Energy industry experts say the true reserves may be far greater.

"This is the exact opposite of what he should be doing," said Jacqueline Savitz, a vice president of Oceana, an environmental group that is aggressively campaigning in the coastal states to build local opposition to the drilling.

But Obama administration officials say they are listening to the elected officials in the Southeastern states. The administration has not advanced plans to drill off the northeast Atlantic or Pacific coastlines, where governors are still opposed to it.

“Almost every decision we make is about balancing the economic potential and the environmental consequences,” said Abigail Ross Hopper, who directs the Interior Department’s Bureau of Ocean Energy Management.

The administration also points to its efforts to improve drilling safety ahead of expanding offshore oil exploration. The Interior Department is expected in the coming weeks to complete new safety regulations on offshore drilling equipment, intended specifically to prevent the failures that led to the Deepwater Horizon explosion.

The forthcoming Interior Department proposal will not be the last word. The administration will continue to take public comment on the proposal until it finishes the drilling plan later this year. In response, the oil and gas industry and environmental groups are ramping up advocacy campaigns. Environmental groups are a constant presence at coastal town hall meetings and are planning advertising and telephone campaigns to urge more voters to speak out.

Continue reading the main story

The American Petroleum Institute has become a regular fixture in Southeastern statehouses and town hall meetings and is paying to host events coordinated with local schools to highlight job opportunities in science, technology, engineering and mathematics.

Oil industry officials have also sought to allay fears that oil drilling would hurt tourist towns. “The development will not be in small communities; it will be in ports and industrial areas,” Mr. Radford told the Raleigh meeting.

So far, the pro-drilling faction is winning. But the fight has begun to reshape local politics. In Kure Beach, Ms. Swearingen’s predecessor as mayor, Dean Lambeth, supported drilling, had won three terms and hoped to win a fourth. Last year, Ms. Swearingen ran against him with an anti-drilling stance — and won.

‘Lianghui Gray:’ Smog Chokes Beijing as National People’s Congress Kicks Off

Environment & Health

Mar 4, 2016

Wall St. Journal

In times of pomp and circumstance, Beijing’s government has shown a dazzling ability to turn its skies a technicolor blue on command. But on the eve of its biggest political pageant of the year, the city was still stubbornly hunkered down in the midst of one of its regular “airpocalypses.”

According to readings from the U.S. Embassy, which measures the harmful particulate matter known as PM2.5, the air quality index around 1 p.m. Friday exceeded 400 – a measure it considers “hazardous.” A reading of 50 or under is considered “good.”

Lawmakers, political advisers and other luminaries from around the country descend on Beijing every year for the annual convening of its lianghui, or “two sessions.” On such occasions, appearances by Chinese ethnic minorities wearing colorful traditional costumes and celebrities such as Yao Ming and Mao Zedong’s grandson are de rigueur.

The day before the event, though, Beijing’s skies were looking anything but camera-ready, with Chairman Mao Zedong’s large Tiananmen Square portrait — which hangs across from the event’s venue — heavily obscured by the smog.

Several green-jacketed paramilitary police stationed in and around Tiananmen Square said that they hadn't received permission to wear air pollution masks. "I'm not sure why," said one officer as he stood stiffly at his post in the square. "Maybe it will create a negative image for the 'two sessions,'" he said.

Paramilitary police guarding the square began wearing air masks last December, according to state media. On Friday, officers said they didn't always wear the masks regularly, but that they would don them when permitted to do so by superiors. (By contrast, some on-site members of the Beijing police force were indeed wearing air masks, and said they were allowed to do so.)

Last year, when troops arrayed themselves in Beijing for a large-scale military parade, they did so under gorgeous blue skies, with businesses shuttered and cars cleared off the roads. Likewise in 2014, when Beijing hosted the Asia-Pacific Economic Cooperation summit, the city martialed similar efforts to deliver skies of a brilliant color that residents quickly dubbed "APEC Blue."

Online, some commentators pointed out this week's discrepancy. "Aren't we having the lianghai? And yet we don't see any 'lianghai blue,'" wrote one commentator on Weibo. Several remarked that the city seemed more eager to clear its skies when foreign dignitaries were present.

Still others engaged in some gallows humor. "In theory, now is the time that the blowhards all come to Beijing. So why is it that the smog hasn't dissipated?" wrote one. Even at stultifying levels, the city's smog can often be readily dispersed by strong winds, prompting the government to recently announce plans to construct ventilation corridors to facilitate its passage.

"When the lianghai happens, the blowhards all come to Beijing. Beijing's smog is typically blown away by the wind, but these two days, PM2.5 is still above 400," wrote another. "There's only one explanation: what you guys are 'blowing' isn't clean!"

EQ Committee discusses Ontario County Landfill's future

By DAVID L. SHAW dshaw@fltimes.com

March 4, 2016

Finger Lakes Times

HOPEWELL — When will the Ontario County Landfill close?

What will happen when it does?

The Environmental Quality Committee of the Board of Supervisors began the first of what will likely be many discussions on those questions Wednesday.

The agenda included a discussion of what will happen when the Operations and Maintenance Lease (OML) between the county and Casella Waste Services expires in 2028.

The OML is a 25-year document that was signed in 2003.

Tim Jensen of the county Planning Department said when he posed the question to the county legal staff, he was told the landfill could continue operating beyond 2028 if it has permitted capacity to handle more solid waste.

Jensen said the question then becomes whether Casella continues to operate it, whether another company takes over, whether the county gets back to operating it itself or if a decision is made to close it.

“I favor making a commitment to not being in the landfill business beyond 2028. I think 12 more years is enough. We should send a message to county residents that it will end a certain time,” said Mark Venuti, D-town of Geneva. “We should take a position, even though a later board can change. Do we have the will to do it by a resolution?”

David Baker, D-city of Canandaigua, said it might be better to commit to closing the landfill when all of its permitted airspace and capacity are reached, not on a certain date or year.

“We could certainly say there will be no expansion and it will not operate beyond capacity. We would have to decide what to do with the county’s waste if we close at a certain time,” Baker said.

Venuti said if the county’s state-approved 10-year Solid Waste Management Plan is followed, the county will generate much less waste than now and no expansion would be needed.

Committee members said if the OML with Casella expires and the county takes over the 389-acre facility in the town of Seneca, the county would be responsible for up to 30 years of post-closure monitoring, an expensive proposition.

Under the current OML, Casella is responsible for post-closure monitoring.

County Planning Director Thomas Harvey said the SWMP is required to be updated and amended over the next 10 years and the future of the landfill could be addressed in that way.

Charlie Evangelista, D-city of Geneva, asked if flow control legislation for waste was possible, limiting the landfill to just Ontario County waste.

Andrew Wickham, R-Seneca, said a resolution setting a closure date would be premature without a plan in place.

Committee chairman Richard Russell, R-city of Canandaigua, directed the county Planning Department to draft a document addressing landfill closure questions for the committee to consider.

Town: Landfill odors, rail siding violate code

By DAVID L. SHAW dshaw@fltimes.com
Finger Lakes Times

SENECA FALLS — The town has notified Seneca Meadows of two apparent violations, one related to the landfill and the other related to a rail-siding project on Route 414.

Landfill officials were asked to respond by March 1, but Code Enforcement Officer Dean Zettlemoyer said they have asked for more time.

In letters dated Feb. 18 to Seneca Meadows District Manager Kyle Black, Zettlemoyer noted these apparent violations of town codes:

- Section 300-26 (B). Odor. No use within any district shall emit an odor that is unreasonably offensive as measured at the property line of the use.

Zettlemoyer told Black that the host community benefits agreement between the town and landfill requires the establishment of an odor complaint hotline for resident to report complaints about landfill odors.

“As you know, over the past several months, there has been a marked increase in activity on that hot line,” he wrote.

In September 2015, there were nine reported complaints. In October, there were 10 complaints and in November, nine complaints.

However, in December, there were 33 complaints.

“In addition, the town has received several written odor complaints over the past several months,” he wrote.

He said the odor is a violation of the code. He required the landfill to either eliminate the violation or file plans with his office for corrective action by March 1. If Black feels the landfill is not in violation, he was told to contact Zettlemoyer’s office.

“If you intend to bring your property into compliance with the code, but cannot meet the state deadline, please contact this office to discuss a workable timeline,” Zettlemoyer said.

If Seneca Meadows does not take corrective action or make other arrangements by March 1, the town may begin formal action.

- Black was told that it has become apparent that work performed at the Resource Recovery Park — the rail siding — “differs materially” from the plans that were reviewed and approved in 2007.

“This discrepancy is in violation of the town’s site plan review code. I hereby request that you either eliminate this violation or file plans with this office for corrective action by March 1,” the notice stated.

Again, the same advisory was given if landfill officials don’t believe there is a violation or if they need more time to develop a plan.

Black responded to the letters Wednesday.

“Seneca Meadows is in compliance with all of its operating permits and has an exemplary environmental record,” Black said. “Our commitment to the environment has earned us awards from the EPA, the Solid Waste Association of North America and Audubon New York.”

He said the company has brought in a third-party engineering firm specializing in landfill gas and odor control to assess operations and control systems.

“After reviewing their findings, we are currently implementing the first of two stages of recommended additional control measures and will begin implementing the second stage this spring as weather conditions allow,” Black said.

He said residents with questions can contact the landfill at 539-5624.

Black’s statement did not address the alleged site plan code violation.

Seneca Meadows leases the rail siding land on the east side of Route 414 to Finger Lakes Railway, which has installed the rail siding tracks and access roads.

The Border City-based railroad conducted a tour of the site Feb. 24 for select guests and said it is operational for agricultural and other bulk product off-loading.

Protest planned:

Six opponents of the proposed Seneca Meadows Landfill contract with New York City to bring its trash to the landfill by rail, rather than truck, have planned a protest.

It was announced at Tuesday's Town Board meeting by Brad Jones, one of the organizers.

Called "A Walk Along the Tracks," the event will begin at 10 a.m. Saturday, March 12, at the Seneca Falls Library on Cayuga Street. Protesters will walk west along the Finger Lakes Railway tracks.

Participants are being asked to carry a bag of garbage while walking along the tracks. The start and finish lines have yet to be determined.

Jones said the intent is to voice concerns to town, county, state and federal officials that the community "no longer wishes to be in the garbage business."

Other organizers are Michelle LeBrun Eller, Darcy Herron, Annette and Bill Lutz and Jolene Korzeniewski.

Chief Justice Rejects Effort to Block E.P.A. Limit on Power Plants

By ADAM LIPTAK and CORAL DAVENPORT

MARCH 3, 2016

NY Times

WASHINGTON — In a significant victory for the Obama administration, Chief Justice John G. Roberts Jr. on Thursday refused to block an Environmental Protection Agency regulation limiting emissions of mercury and other toxic pollutants from coal-fired power plants.

The decision comes three weeks after the full Supreme Court, in a highly unusual move, blocked another major Obama administration rule that would limit planet-warming greenhouse gas pollution from coal plants.

Opponents of Mr. Obama's environmental policies were buoyed by the high court's decision to halt the global warming rule, known as the Clean Power Plan, reading it as a sign that the court was willing to halt other regulations while they undergo changes and review. But legal experts said the chief justice's decision on Thursday signaled that they might not be successful in further attempts to halt environmental rules while they are still subject to legal challenges.

"This is a pretty strong way of sending a signal that the fact that the court granted a stay of the Clean Power Plan was highly extraordinary, and they don't want to be inundated with these," said Jeffrey Holmstead, a lawyer with the firm Bracewell and a deputy administrator of the E.P.A. in the George W. Bush administration. "I think this is Justice Roberts's effort to say that the Clean Power Plan is an extraordinary situation."

The order was issued solely by Chief Justice Roberts, who did not refer the question to the full court.

Chief Justice Roberts rejected an application from 20 states that said a federal appeals court in Washington had effectively thwarted their victory in the Supreme Court in June, when the justices ruled that the E.P.A. had failed to take into account the punishing costs its mercury regulation would impose. In that 5-to-4 decision, *Michigan v. Environmental Protection Agency*, the Supreme Court ruled that the agency had run afoul of the

Clean Air Act by deciding to regulate the emissions without first undertaking a cost-benefit analysis to show the regulation to be “appropriate and necessary.”

“It is not rational, never mind ‘appropriate,’ to impose billions of dollars in economic costs in return for a few dollars in health or environmental benefits,” Justice Antonin Scalia, who died last month, wrote in June. “Statutory context supports this reading.”

That earlier decision did not strike down the regulation, but it did require the E.P.A. to take costs into consideration. The question before the Supreme Court on Thursday was what should happen in the meantime.

In December, a unanimous three-judge panel of the United States Court of Appeals for the District of Columbia Circuit allowed the mercury regulation to stay in place while the agency completed its review, noting that it “is on track to issue a final finding” by April 15.

In their Supreme Court brief, the states said blocking the mercury regulation “is even more warranted” than the halt to the climate change plan, because the Supreme Court had already decided that the agency had exceeded its authority.

The mercury regulation, the states said, “has imposed literally billions of dollars of compliance costs on utilities.”

But Mr. Holmstead and other experts noted that blocking the mercury rule would have had little practical impact, because most electric utilities have already put it into effect. Industry groups estimate that it has already led to the closing of about 100 coal-fired power plants. The E.P.A. has estimated that the rule will impose about \$9.6 billion annually in costs to industry as they either clean up or close down coal plants.

Melissa Harrison, a spokeswoman for the E.P.A., said the administration was “very pleased” with Chief Justice Roberts’s decision.

The Obama administration has put forth nearly half a dozen major rules aimed at cutting coal pollution, and critics, who have called them a “war on coal,” have sought to block them in the courts.

But Thursday’s decision is an indication that Justice Scalia’s death has altered the balance of power on the Supreme Court.

The Supreme Court had voted, 5 to 4, on the climate change stay, issued Feb. 9. Justice Scalia was in the majority, and his vote in that case was one of the last he cast before he died.

U.S. Top Court Denies Bid to Block Mercury Air Pollution Rule

By REUTERS

MARCH 3, 2016, 11:57 A.M. E.S.T.

NY Times

WASHINGTON — The U.S. Supreme Court sided with the Obama administration on Thursday in rebuffing a bid by 20 states to halt an Environmental Protection Agency rule to curb emissions of mercury and other toxic pollutants from power plants.

The action came about a month after the high court put on hold federal regulations to curb carbon dioxide emissions mainly from coal-fired power plants, the centerpiece of President Barack Obama's strategy to combat climate change.

Chief Justice John Roberts denied a petition made last week by the states, led by Michigan, to put the rule on hold after a federal appeals court decided in December to leave it intact while the EPA reassessed costs of implementing the regulation.

The states had argued that a stay was necessary because the Supreme Court had "already held that the finding on which the rule rests is unlawful and beyond the EPA's statutory authority."

The Supreme Court ruled last June that the EPA should have considered compliance costs when it decided to limit emissions of mercury and other hazardous air pollutants mainly from coal-fired power plants, and returned the case to the appeals court.

The U.S. Court of Appeals for the District of Columbia Circuit subsequently said the regulations could remain in place while the government responds to the high court's June ruling. The appeals court gave the EPA until April 15 to come up with compliance costs.

The EPA rule, which went into effect last April, applies to about 1,400 electricity-generating units at 600 power plants. Many are already in compliance.

EPA spokeswoman Melissa Harrison said the agency was "very pleased" with Roberts' action, noting that power plants are the largest source of mercury pollution in the United States.

"These practical and achievable standards cut harmful pollution from power plants, saving thousands of lives each year and preventing heart and asthma attacks," Harrison said.

Environmental groups and 15 other states that had asked the court to reject the stay request applauded Roberts' action and called on the attorneys general in the group of states led by Michigan to end their legal challenge to the rule.

The rule is "safeguarding millions of American children from poisons such as mercury, arsenic and acid gases," said Vickie Patton, general counsel for the Environmental Defense Fund anti-pollution advocacy group, a party to the case.

(Reporting by Valerie Volcovici; Editing by Will Dunham)

Chief Justice John Roberts Denies States' Effort to Halt EPA Emissions Rule: Obama regulation cutting pollution from power plants went into effect in 2015

By Amy Harder and Brent Kendall

March 3, 2016 12:55 p.m. ET

Wall St. Journal

WASHINGTON—The Supreme Court on Thursday denied a long-shot request by states seeking to block an environmental regulation cutting mercury pollution from power plants, a boost for the Obama administration.

A coalition of 20 states last week asked the Supreme Court for an emergency stay of the Environmental Protection Agency regulation, emboldened by the court's unexpected order on Feb. 9 that temporarily blocked a different EPA rule cutting carbon emissions from power plants during litigation. The state coalition was led by Michigan's Republican attorney general, Bill Schuette.

Chief Justice John Roberts denied the states' latest request without comment and without referring it to the other justices, a signal that he believed the request didn't make a strong case for action by the high court. Under

court procedures, Chief Justice Roberts handles requests from cases in the U.S. Court of Appeals for the District of Columbia Circuit, and may act on requests himself or circulate them for consideration by the full court.

In their plea filed in late February, the states argued that leaving the rule in place since the Supreme Court's opinion last summer has caused "irreparable harm" and imposed "literally billions of dollars of compliance costs on utilities."

The EPA adopted the mercury rules in 2012, and they went into effect in early 2015.

The Supreme Court ruled last summer that the EPA must reconsider the mercury rule because it didn't take into account industry costs before deciding to adopt the regulation. The agency plans to issue a final supplemental consideration of cost in April, according to an EPA spokeswoman.

"These practical and achievable standards cut harmful pollution from power plants, saving thousands of lives each year and preventing heart and asthma attacks," EPA spokeswoman Melissa Harrison said. "Power plants are the largest source of mercury in the United States."

The Supreme Court's order last month blocking the carbon regulation was issued with all justices participating and split the court 5-4, with conservatives in the majority.

Justice Antonin Scalia's death just a few days after the carbon order cast more uncertainty over the fate of a host of contentious issues, including President Barack Obama's environmental agenda. His absence from the court wasn't at issue in the stay denial on the mercury regulations.

Most utilities have taken steps over the last couple of years to comply with the rule as it was winding its way through the legal system.

A request for comment to the Michigan's attorney general's office wasn't immediately returned.

Write to Amy Harder at amy.harder@wsj.com and Brent Kendall at brent.kendall@wsj.com

Threatened With Rail Strike, N.J. Transit Warns of Disruptions

By EMMA G. FITZSIMMONS MARCH 3, 2016

March 3, 2015

NY Times

SECAUCUS, N.J. — New Jersey Transit warned riders on Thursday that under its contingency plans for a rail strike it would be able to transport fewer than half its regular commuters to New York City.

The chairman of the agency's board, Richard T. Hammer, said that officials hoped to avoid a strike, but commuters between the states should be prepared for major disruptions if there was a shutdown.

"A rail stoppage will not just impact rail commuters," Mr. Hammer said at a news conference at the Secaucus Junction train station. "It will have a severe effect on travel in the entire region."

A strike could begin as early as Sunday, March 13. New Jersey Transit and the rail unions planned to meet with federal officials in Washington on Friday to try to reach an agreement over workers' wages and benefits.

Contingency plans include extra service on more than two dozen New Jersey Transit bus routes, which would continue to operate during a strike, and the addition of five park-and-ride locations, where commuters could ride

a bus to New York City or to a ferry terminal or PATH stops. Officials said rail tickets would be cross-honored on buses, the light rail, private buses, the PATH system and New York Waterway ferries.

A slide from Thursday's New Jersey Transit presentation on contingency plans in the event of a rail strike.
Credit New Jersey Transit

But even with additional bus service, the agency said, it could accommodate only about 40,000 of the 105,000 commuters who travel by rail from New Jersey to New York City each weekday. Officials told residents they should plan to car pool, leave for work early and work from home.

Asked whether he thought a strike could be averted, the agency's interim executive director, Dennis J. Martin, did not sound discouraged.

"As long as we're talking, I am optimistic," Mr. Martin said of the negotiations. "But the responsible thing to do is to plan for this."

Gov. Chris Christie, a Republican who has faced criticism for leaving the state frequently during his failed presidential campaign, and more recently to support Donald J. Trump, said at a news conference in Trenton on Thursday that he was "very engaged" in the talks with the rail unions. But Mr. Christie also said he would be leaving for a 30th wedding anniversary vacation with his wife on Tuesday.

The agency's more than 4,200 rail workers have been working without a new contract since 2011. Their unions have pushed for wage increases and lower member contributions for health care costs, but agency officials said they could not afford to meet those demands, and might have to raise fares.

On Thursday, the Port Authority of New York and New Jersey warned that a strike would produce major congestion at the Lincoln and Holland Tunnels, PATH stations and the Port Authority Bus Terminal in Manhattan. The Metropolitan Transportation Authority said it was preparing alternatives for riders on Metro-North Railroad's Port Jervis and Pascack Valley lines in New York, where service would come to a halt because New Jersey Transit operates the trains.

Commuters have become increasingly concerned about a strike. Sandra Cayon, 46, a secretary who works in Manhattan and lives in Bound Brook, N.J., said she would consider using one of the park-and-ride locations.

"I have no choice," Ms. Cayon said as she rode a New Jersey Transit train leaving Manhattan on Thursday. "I have to get to work."

Trains could grind to a halt; 65,000 riders may be stranded by NJ Transit strike

By CHRISTOPHER MAAG
The Record

As transportation agencies regionwide announced plans Thursday to keep commuters moving if NJ Transit train workers walk off the job — leaving more than 100,000 rail riders seeking another way into Manhattan — Governor Christie and labor leaders appeared increasingly discouraged about the prospects of reaching a deal before March 13, the earliest a strike could take place.

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Message

From: Rodriguez, Elias [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46D8875F24F14400A66635B52A773541-RODRIGUEZ, ELIAS]
on behalf of Region2 PAD News [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB26E0976985441E8BF28159C4856B58-REGION2 PAD]
Sent: 5/25/2016 1:02:01 PM
To: R2 EPA Region 2 (EPA Staff) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0b426b5295c4874ae24c7ad1f052dd8-R2 EPA Region 2 (EPA Staff)]
Subject: News Clips

DAILY JORNAL: COMMENTARY: Keep plastic out of our waterways

By JUDITH ENCK

Judith Enck is the regional administrator for the Environmental Protection Agency's Region 2, which includes New Jersey, New York, Puerto Rico and the U.S. Virgin Islands, as well as eight tribal nations.

May 24, 2016

Almost 40 percent of Americans will travel over Memorial Day weekend. In New Jersey, that may mean a camping trip in Wharton State Forest, hiking a section of the Appalachian Trail or laying out on the Jersey Shore. Wherever you are this holiday weekend, pay attention to generating less waste and properly disposing of the waste that is generated.

The sad reality is we are turning our oceans into landfills. Eighty percent of trash in the ocean comes from land, and 80 percent of this trash is plastic. This plastic isn't just coming from cruise liners or boats, but rather is washing off our streets and beaches into storm drains and sewage treatment plants. It is accumulating in giant "garbage patches" in the ocean. The Southern Atlantic Ocean garbage patch spans from Cuba to Virginia, and the Great Pacific Garbage Patch off the coast of California is the size of Texas.

It's not just the deep ocean that is being affected. This is also happening to our lakes, rivers, streams and estuaries. The Great Lakes, for example, have their own garbage patches. In 2012, Sherri Mason of State University of New York Fredonia conducted the first-ever analysis of plastics pollution in the Great Lakes, and recently won an EPA Environmental Champion Award for this work.

All but two of the 150 samples the study obtained contained plastic. Nearly 70 percent of this plastic was tiny — what the scientific community calls microplastics. A NY/NJ Baykeeper study found that there is more than 256,000 of these small plastic particles per square kilometer in the New York-New Jersey Harbor Estuary. Ocean and river currents and waves act like paper shredders, tearing plastic apart until it is the size of a grain of sand.

Tiny plastic debris presents a hazard to wildlife. By 2025, for every three pounds of fish in the ocean, there will be one pound of plastic. Animals can become entangled in fishing line or confuse tiny bits of plastic for food. They choke on it or are damaged by it. This plastic is unsightly when seen on beaches and shorelines, which can also negatively affect our local economies that depend on tourism.

The federal Environmental Protection Agency has a goal to reduce plastic pollution discharges to our waters to zero within the next 10 years. To achieve that goal, we need everyone's help. This Memorial Day weekend, we ask everyone to pitch in. For example, use washable dishes and refillable water bottles at your family barbecue. Waste less, reuse and recycle what you can, and dispose of the waste you cannot avoid properly. Our waterways connect from the mountains to the sea, and what we do upstream has a global impact. This Memorial Day — and every day — each of us must do our part.

To learn more about marine debris and the EPA's Trash Free Waters program, visit www.epa.gov/learn-issues/water-resources#our-waters

PHOTO CAPTION: Tiny plastic debris presents a hazard to wildlife. By 2025, for every three pounds of fish in the ocean, there will be one pound of plastic.(Photo: Getty Images/iStockphoto)

PHOTO CAPTION: Dredging to enhance the Cooper's world class rowing course and improve water quality
Carol Comegno

MAY 24, 2016, 5:15 PM

Demarest shutting down some school fountains, faucets after lead detected in water

BY DEENA YELLIN

THE RECORD

DEMAREST — Several water fountains and faucets have been shut off in the school district after they were found to be spouting lead-tainted water.

Recent water tests revealed elevated lead levels in one fountain at Demarest Middle School, seven faucets at Luther Lee Emerson School and two faucets at County Road School, district Superintendent Michael Fox announced Tuesday in a letter to district parents.

Water fountains that have been cleared by testing will continue be used in all three schools. Standalone water stations will be provided at Luther Lee Emerson School. No cooking sites were affected.

"As part of the remediation process, we are working with the professionals at Environmental Remediation and Management, Inc. to remedy the situation," said Fox. "They are advising adding water filters and adding installation of filtration systems. Upon completion of any repairs, we will have those locations retested prior to opening."

As of Tuesday afternoon, Fox said he only received one inquiry from a concerned parent.

The district voluntarily tested its water for lead in response to news that other districts around New Jersey had found lead contamination in their water systems. Environmental Remediation and Management Inc was hired May 6 to take a sampling of the district water sources, and the company released its findings Tuesday.

Lead can flake off or leach from some metal water taps, interior water pipes or pipes connecting to the main pipe in the street, according to the federal Environmental Protection Agency. The only way to know if water is contaminated is to have it tested. The acceptable lead level in water is considered 15 parts per billion.

According to the EPA, lead contamination in children can result in learning and behavioral problems, lower IQ and hyperactivity, slowed growth, anemia and hearing problems. Adult exposure to lead also can be harmful, leading to kidney and cardiovascular problems.

Bloomberg News

Here's What Living Near a Toxic Waste Site Can Do to Kids' Grades

Children conceived after sites are cleaned up do better than their older siblings, a study finds. About 80 million Americans live within three miles of a Superfund location.

By John Tozzi

May 25, 2016Share on WhatsApp

Children who grow up near toxic waste sites are more likely to suffer from cognitive disabilities, repeat grades, score lower on tests, and misbehave in school than their siblings born after the pollution is cleaned up, new research suggests. <http://www.nber.org/papers/w22263>

It's a striking sign of the long-term toll, often hard to assess, that pollution takes on children and communities, and suggests that the economic benefits of cleaning up toxic sites may be greater than previously estimated.

Industry has flooded the environment with toxins. About 80 million Americans live within three miles of a Superfund site, under the U.S. Environmental Protection Agency program intended to clean up the country's

most polluted places. The Passaic River in New Jersey has been tainted by industrial chemicals for decades. A factory on its banks in Newark made the now-banned pesticide DDT and Agent Orange, the defoliant used in the Vietnam War. The area was designated a Superfund site in 1984. In March, the EPA announced a plan to dredge 3.5 million cubic yards of toxic sediment—enough to fill more than 1,000 Olympic-size swimming pools—along eight miles of the river, at a cost of \$1.38 billion.

Scientists are still trying to understand the consequences of these pervasive toxins, including how people exposed at the earliest stages of life will be affected years later. Now researchers from Northwestern University and the University of Florida have analyzed the birth records of children in Florida born between 1994 and 2002 and matched them with school performance records through 2012. They looked at families who lived within two miles of a Florida Superfund site with children conceived both before and after the site was cleaned up. Their findings, published this month as a working paper by the National Bureau of Economic Research, drew on records from almost 4,500 families.

By comparing siblings, the study minimized factors that could bias the results. For example, people who live near industrial pollution are disproportionately poor and minorities, so comparing them with people who live farther away might reflect differences in socioeconomic status rather than the effects of pollution. Siblings, by contrast, share the same household and have similar genetics.

"The only thing that changed the neighborhood is that the EPA cleaned up the local toxic waste site," said co-author Claudia Persico, a doctoral candidate in human development and social policy at Northwestern.

Among families living within two miles of a Superfund site, about 26 percent of children conceived before the site was cleaned up had repeated a grade by fifth grade, compared with about 18.5 percent of their siblings conceived after the cleanup was complete. The older siblings were also more likely to misbehave at school and have lower state test scores. For families within one mile of the sites, children conceived before the cleanup were more likely to be diagnosed with cognitive disabilities than siblings born after¹. The results suggest that the consequences of pollution for women exposed during pregnancy aren't fully evident until years after their children are born.

While pollution can affect physical health at birth, playing a role in prematurity and low birth weight, for instance, "it actually seems to have a much larger effect on cognitive outcomes," Persico said. Pollution can hurt children's chances to do well in school even before they are born. "There's a strong environmental justice issue at work here, in terms of how prenatal exposure to pollution disproportionately affects low-income children," who are likelier to live near toxic sites, she added.

It's difficult to draw firm conclusions from a single study. But if the findings are accurate, cleaning a typical Superfund site could pay for itself in less than 40 years based solely on lower costs for special education for cognitive disabilities, without counting any other benefits to society, said David Figlio, director of the Institute for Policy Research at Northwestern and a co-author of the paper.

"Clean up one of these sites and you might halve the rate of cognitive disability for kids" born nearby, Figlio said.

Philip Landrigan, a pediatrician and dean for global health at the Icahn School of Medicine at Mount Sinai in New York, called it a credible study that "points in the direction" of establishing that pollution causes the observed cognitive gaps.

"We know that there are numerous industrial chemicals in use today that are toxic to the developing human nervous system," said Landrigan, who wasn't involved in the research. "We know that vulnerability to those chemicals is greatest during the nine months of pregnancy."

The kind of industrial activity that poisoned the Passaic River and other Superfund sites has largely moved overseas, often to countries with weaker health and environmental rules than the U.S. Landrigan is co-chair of a commission trying to tally the global costs of pollution on human health.

"Even as we've been cleaning up industry and cleaning up hazardous waste sites in this country, big heavy polluting industries have been translocating to the Third World," he said. "Most of the pollution today is in low- and middle-income countries."

That leaves vulnerable populations to deal with consequences that researchers are just beginning to unravel.

PATH CLEARED FOR CONSUMER CHEMICAL SAFETY MEASURE

05/23/2016

Record & Herald News, The

A sweeping overhaul to safety laws governing chemicals in consumer products, named to honor the late Sen. Frank Lautenberg, could be on President Obama's desk by the end of the week now that key House Democrats, including New Jersey Rep. Frank Pallone, have signed onto a deal.

The overhaul has divided interest groups, with the Environmental Defense Fund calling it "the most important environmental legislation in more than two decades" while other groups said it could weaken protections in states that already have tough laws.

"Our concern is we shouldn't be sacrificing safety in New Jersey for more safety in Texas," said Jeff Tittel, state executive director of the Sierra Club.

In the months before he died in 2013, Lautenberg, a Democrat, was working with Republican Sen. David Vitter of Louisiana to rewrite the Toxic Substances Control Act, a 1976 law that both environmentalists and chemical companies say is deeply flawed.

His widow, Bonnie Englehardt Lautenberg, continued to push for the changes and was praised by Democratic Sen. Cory Booker of Newark at a bipartisan press conference last week as acting as the "101st senator" on the bill.

The new bill gives the Environmental Protection Agency more power to ensure that existing chemicals used in consumer products are tested for safety, something that current law does not require. Other changes include requiring new chemicals to be proven safe before are introduced in products; easier rules for banning chemicals that are unsafe; and special protections for products aimed vulnerable populations such as babies and pregnant women.

The House passed an overhaul last June, but the Senate passed a different measure in December. A joint House-Senate conference committee has been working out differences. Pallone, the top Democrat on the House Energy and Commerce Committee, walked away from the talks last week, criticizing an agreement Senate Democrats -- including Sen. Barbara Boxer of California, who opposed the earlier version that passed the Senate -- had supported.

On Monday, however, Pallone joined Minority Leader Nancy Pelosi and Minority Whip Steny Hoyer in a joint statement saying the bill gave EPA important new powers, and that recent changes did more to protect states with tougher rules than the federal government.

"It is not the bill Democrats would have written on our own, but it is a long-overdue step forward to protect families and communities from toxic substances," the joint statement said.

Many attempts to pass federal laws have been derailed by disputes over whether states could impose tougher restrictions than the federal government, or if federal action preempts state action. According to Vitter's office, the agreement reached on chemicals is that states can regulate a chemical until the EPA decides to take that specific chemical up. After EPA begins a review, states can ask for a waiver to keep their rules in place until the review is complete.

Booker, who has said he became a vegetarian, and then a vegan, after learning about the treatment of animals grown for food, praised negotiators for retaining a provision he had crafted that restricted animal testing.

"Why be cruel to hundreds and hundreds of thousands of animals, vicious cruelty to them, when there's perfectly, scientifically reliable other ways to do it and not inflict animal cruelty?" Booker said.

EMERSON SHUTS 11 TAPS AFTER LEAD TESTS

05/23/2016

Record & Herald News, The

EMERSON - Two of the borough's schools have joined a growing number of New Jersey public schools that have been found to have elevated levels of lead in drinking water and other water sources, officials said.

Superintendent Brian Gatens said Monday that an initial test found 11 water sources on school district property had levels of lead that exceeded the U.S. Environmental Protection Agency's acceptable level of 15 parts per billion.

Samples from eight locations at Emerson Junior-Senior High School -- including older porcelain fountains and sinks in the cafeteria -- and two locations at Patrick M. Villano School were found to have levels of lead above that threshold late last week, Gatens said. A faucet in the concession stand at Memorial Field also yielded a higher-than-acceptable sample, and a third location at Villano School was shut down as a precaution, the superintendent said.

Memorial Elementary School did not have any samples above the threshold, Gatens said.

After a second round of samples, taken after letting water run for a few seconds, 10 of the 11 sites had lead levels within the acceptable range, Gatens said.

Gatens said the district hired an independent laboratory to assess the district's water supply in response to the growing number of reports of high levels of lead in school water supplies in New Jersey and around the country. The lab tested 98 samples, including samples from all of the district's water fountains and sinks, he said.

The district received the preliminary results of the testing late last week, Gatens said. Once the district received the report, it shut down the 11 locations where unacceptably high levels of lead were found, and they will remain unused until the district makes changes to filtration or equipment, he said.

The locations in question will be tested again by the same company before they are put back into service at the start of the next school year, Gatens said.

At least two of the fountains that were found to have high levels of lead will be converted over the summer into fountains that the district will use to fill up water bottles as part of a plan that the school board previously approved.

The remainder of the locations will be shut down until the end of the school year and fixed in time for the 2016-17 school year, Gatens said.

"This is a situation we don't like to have," Gatens said. "But we are happy we can have a relatively quick fix over the summer."

Since the crisis in Flint, Mich., and after unacceptably high levels of lead were found in 30 schools in Newark and other towns and cities - including Paterson - school officials have begun testing their fountains and other fixtures for lead levels.

In the past few months school districts in Bergenfield, Saddle Brook, Leonia, Palisades Park, Fort Lee, Wanaque and the Pascack Valley have found high levels of lead in various locations. Englewood's school district preemptively shut down water fountains in its buildings to test for potential lead contamination.

Governor Christie recently ordered all of the state's public schools to begin testing their water for lead before the start of the school year in September.

PLANS FOR PASSAIC SITE HIT A HURDLE

05/23/2016

Record & Herald News, The

PASSAIC -- Congregation Emek Yehoshua's plan to build a synagogue, school and banquet hall on the site of a long-shuttered factory on Brook Avenue has hit a major snag.

The state Department of Environmental Protection has declared the site to be contaminated and in need of a cleanup, effectively nullifying the May 2015 sale of the property to the congregation.

The environmental agency has ordered the seller, the Passaic Engraving Co., to hire an environmental consultant to conduct the cleanup.

An official with the agency, Joshua P. Gradwohl, wrote in a May 4 letter to Passaic Engraving that the company is liable for the cleanup. A copy of that letter was sent to the Passaic city clerk's office and obtained by The Record.

"The Department is aware that Passaic Engraving Company, Inc., was a manufacturer of embossing rollers ... related to electroplating," Gradwohl wrote. "Both of these categories are subject to New Jersey's Industrial Site Recovery Act (ISRA)."

The letter is addressed to Elizabeth Schaffran of Burlington, who is presumed by the state environmental agency to be the head of the company, although it has been closed for many years. Schaffran could not be reached for comment on Monday.

In his letter, Gradwohl noted that because the sale of the property occurred a year ago, Passaic Engraving already is out of compliance with DEP regulations and must act quickly.

"It is imperative that Passaic Engraving Company, Inc., act quickly to comply with the requirement to remediate the site pursuant to ISRA to avoid an enforcement action," Gradwohl wrote.

Under the industrial recovery act, the state sets the time frame for the cleanup.

Gradwohl wrote that the law prohibits transfer of ownership until the property has been cleaned up. It also requires that a "licensed remediation professional" submit a cleanup plan that must be certified by the state environmental agency. The buyer of the property "may assume responsibility for the remediation of the site," Gradwohl wrote.

Congregation Emek Yehoshua is currently before the Passaic Board of Adjustment seeking several variances to develop the Passaic Engraving property. The congregation hopes to build a synagogue, school with dormitories, community center and banquet hall on the 1-acre site at 41 Brook Ave.

The lot is in a residential zone next door to a garden apartment complex. Parking is scarce in the neighborhood, and one variance that the congregation is seeking would reduce the number of required parking spaces from 65 to 36.

The Passaic Board of Adjustment was scheduled to hear the case on May 3, but that hearing was abruptly canceled when Congregation Emek Yehoshua requested more time to review "new communications," board chairman Menachem Bazian said. The letter from Gradwohl is dated the following day. The hearing was tentatively rescheduled for June 21.

The head of the congregation, Rabbi Yeshia Buxbaum, could not be reached for comment on Monday.

Puerto Rican debt bill includes some good, some iffy

05/22/2016

Virgin Islands Daily News, The

May 23--V.I. Delegate to Congress Stacey Plaskett said Friday that legislation in Washington to address the Puerto Rican debt crisis could mean that borrowing might become significantly more expensive for the U.S. Virgin Islands, "which in turn will mean higher cost to the territory to borrow."

However, "the new bill -- H.R. 5278 -- represents a significant step forward toward ensuring the Puerto Rican government can continue to provide essential services," she said.

The new legislation is also absent an earlier provision that would have stripped environmental protections away from more than 3,100 acres of wildlife refuge land on Vieques and basically force Puerto Rico to sell the property since it couldn't afford to maintain the land.

"The harmful Vieques provision was removed from the Puerto Rican debt relief bill," said Sandra Purohit, a lawyer with Defenders of Wildlife. "The rejection of the harmful Vieques National Wildlife Refuge giveaway responds to a massive outpouring of support for our public lands and mounting opposition to the proposal," she said. "It is a major victory for people, wildlife and public lands in Puerto Rico and across the nation."

Plaskett said Friday that the best changes to the bill include creating a level payment of the retirees' debt along with Wall Street debt. "The new bill, however, still proposes to create an oversight board with very broad powers over the Puerto Rican government, which will have enormous power. It can quash legislation, regulations or administrative action it believes is not in the fiduciary best interest of Puerto Rico and its debtors. It also contains the same provision that was proposed in an earlier version of the bill, allowing the other Insular territories the option of electing to have the same oversight board preside over their respective local governments," she said.

"The bill mentions nothing about Medicaid, or any other tax relief, nor does it provide any other recommended economic growth options that will allow meaningful growth, as recommended in the White House road map for Congressional action to address the Puerto Rico debt crisis introduced earlier this year. The bill deals only with the mechanism for Puerto Rico's restructuring of its debt," she said.

Plaskett said the option of bankruptcy could prove a problem for financing in all the territories.

"In the past, the bond market has taken into account the fact that bankruptcy is not an option for territories as a legal security positive fact and it was factored into bondholders' investment decisions," she said.

"If the language in this bill remains, the Virgin Islands can expect some investors to have apprehensions when considering whether or not to purchase Virgin Islands bonds, because of this new option to adjust debts" though bankruptcy, she said. "Because of the increased risk to investors, another ramification may be that some borrowing might become significantly more expensive in the form of higher interest rates, which in turn will mean higher cost to the territory to borrow."

NYT

Overhauling 8 Parks, New York Seeks to Create More Inviting Spaces

By RICK ROJAS and NOAH REMNICK

MAY 24, 2016

For years, chain-link fences a dozen feet high have been a fixture of some of New York's parks, a reflection of a time when the city was a more dangerous place, erected to protect the children playing inside.

But now, those fences have become barriers, city officials say, dividing a park from its neighbors, and so at some parks the high fences will be knocked down.

On Tuesday, the city announced that eight parks will undergo ambitious face-lifts that are about more than just rehabilitation — it is a plan that represents an evolution, officials said, in New York's approach to parks by making these public spaces blend better and be more welcoming to their neighborhoods.

Mitchell J. Silver, the city's parks commissioner, said that besides lowering or removing fences, the plan also involved installing new benches, greenery and distinctive walkways, as well as treating the sidewalks that border parks as part of the parks themselves. While the high fences were once seen as a deterrent, Mr. Silver said that creating more sight lines along the edges of parks and breathing new life into deserted patches would make them safer.

As part of a citywide plan, \$40 million will be spent on the eight parks. The parks were chosen in a nomination process that included commentary from neighborhood residents. Mr. Silver said about 690 of New York's more than 1,700 parks were recommended for an overhaul.

"That's proof positive of how excited New Yorkers are to increase accessibility and openness in their favorite parks," he said in a statement.

Those selected were Seward Park on the Lower East Side of Manhattan; Faber Pool and Park on the North Shore of Staten Island; Jackie Robinson Park in northern Manhattan; Van Cortlandt Park and Hugh Grant Circle and Virginia Park in the Bronx; Flushing Meadows-Corona Park in Queens; and Fort Greene and Prospect Parks, both in Brooklyn.

A park's accessibility to neighborhoods was also a consideration. Over all, city officials have set a long-term goal of having 85 percent of New Yorkers living within walking distance of a park.

In the Parkchester neighborhood in the Bronx, Hugh Grant Circle is not just uninviting, it is also largely off-limits, blocked by a gate that is often locked, said Nilka Martell, a community activist who pressed for the circle to be selected for the city program, called Parks Without Borders.

But as she sees it, the park has potential to be a neighborhood hub, used for art installations and community programs and as a complement to a farmer's market held nearby.

"None of these things would be possible with that fence there," Ms. Martell said. "Lifting the fence creates all these ideas: How can we activate it? How can we use it?"

At Jackie Robinson Park, a narrow strip of parkland that runs from 145th to 155th Street, between Bradhurst and Edgecombe Avenues, the fencing around some sections of the park was not a driving concern.

Erin Ratner, a lawyer with three children who has lived across the street from the park for nearly a decade, pointed out the dead branches she worries might snap off the trees, the toilets and water fountains that rarely work, and improvements needed on the playgrounds.

"You can tell just from looking that this is not a park that gets a lot of love," Ms. Ratner, 35, said.

Carmel Gayle, 75, has seen her children and now grandchildren enjoy the park during the 43 years she has lived in the area. The park, she said, was already essential to the neighborhood. "We can't do without this park," she said, sitting on a bench with a friend. "Young people, everyone — we need this place."

On the Lower East Side, Seward Park has long been a respite from the neighborhood's rush and its human density. It is a three-acre space, shaded by trees and wedged in a stretch between the Manhattan and Williamsburg Bridges, where children can clamber up jungle gyms and athletes can play basketball.

It is also a place where residents can simply sit in peace and tear off chunks of a kaiser roll to feed to pigeons, just as Rosalind Davis, a retired painter, was doing on a recent weekend afternoon.

"There are so few places to escape from all the congestion," said Ms. Davis, who has been a regular at the park for years. "This is a place away from all the usual hustle and bustle. It just needs a little love and care."

Seward Park, considered the first municipal playground in the United States, has long been a place for recreation and access to greenery for the working-class, and mostly immigrant, families living in the neighborhood. When it opened, in fall 1903, The New York Times reported that a swarm of some 20,000 eager children "mobbed the gates."

These days, the neighborhood has changed considerably, but the park still draws a crowd. Yet, residents say, the park is not reaching its full potential. They point to the fountain that has long been out of service, the play equipment with chipped paint and the few points of entry. The park has two gates, as well as a third that is unlocked when the public library branch in the park is open. Elsewhere along the perimeter, gates are locked or a high fence stands in the way.

"It's not doing any big harm, but it's very cold and not inviting," Ms. Davis said. "You never know where you can get in or out of this place."

Amy Robinson, the president of the Seward Park Conservancy, which was formed almost two years ago, has helped lead the campaign for the park to be considered for Parks Without Borders. She said the objectives of the program aligned with the ambitions of Seward Park's boosters.

Part of that is access. "As times have changed, we've been able to get one other gate open," Ms. Robinson said, "and there could be six gates open."

But she also envisioned a park that was even more connected with its neighbors.

"The more care that is given to the park," Ms. Robinson said, "the more people respect the park — the more people respect the plantings and what's in the park." And more than that, she added, "the more people use it."

Photo Seward Park, on the Lower East Side, is surrounded by high fences and accessible through only three gates, one of which is often locked. It is among the eight parks that the city will overhaul to make more welcoming. Credit Nicole Bengiveno/The New York Times

POLITICO

Dirty hands: The unseen world of New York's private waste industry

By David Giambusso

May. 25, 2016

On a wet, cold spring night, well after sundown, the ordeal begins.

About 4,000 people, mostly young black and Hispanic men, climb waste collection trucks in various states of repair and race across the five boroughs to pick up the 10,000 tons of trash pushed out onto the curb by New York City's businesses every night.

Two union organizers set out in an SUV for an all-night sojourn, following trucks, watching their practices, explaining to a reporter the intricacies of how the driver and helper on each truck conduct themselves. It's not long before differences between trucks and companies become apparent.

Some of the trucks are brightly painted. All of their lights are working. The workers are dressed in reflective vests; they have gloves and sturdy boots. They lift their loads quickly and efficiently, using their legs and springing upward in a single motion.

Other trucks are missing lights. Their workers wear street clothes with no reflective gear. Some have no gloves. They bend at the waist, causing untold strain on their backs, tossing the bags into the unforgiving maw of the mechanical compactor.

By the end of his shift — anywhere from 12 to 16 hours — one man can pick up as much as 20 tons by hand. One driver can drive more than 100 miles every night.

As dawn approaches, trucks begin sidling up to a transfer station in North Brooklyn, belching exhaust as they wait their turn to unload the night's haul into an open garage the size of a small airplane hangar.

Inside, piles of bottles and glass and plastic bags are mixed with rotten food and other refuse. If there is any separation of recyclable materials, it doesn't happen here. Bulldozers push the refuse into small hills.

From the ceiling, at regular intervals, what look like large puffs of steam blow down onto the workers, the drivers and the refuse. They are chemicals, meant to neutralize the overwhelming stench produced by the piles. If the workers have masks at all, they are the white paper kind found in hardware stores.

When workers inside the station see the union men, they close the garage door.

PHOTO: "As a worker you are treated like the truck. You are treated like a machine." (Illustration by Chris Arran)

IN THE BEST SCENARIO, A WASTE collector will suffer chronic back pain, joint fatigue and sleep deprivation. In the worst, his life is what Thomas Hobbes might have called "nasty, brutish and short."

The U.S. Bureau of Labor Statistics lists refuse collection, both public and private, as one of the 10 most dangerous occupations in America based on fatalities, far more than those of police or firefighters. When one accounts for physical degradation and quality of life, the statistics become far more perilous.

New York City's Department of Sanitation is among the most respected in the country. Its workers, who are Teamsters, work no more than eight hours a day, are paid close to \$80,000 a year and enjoy generous benefit packages. They collect 10,500 tons of refuse each day from city residents and institutions.

In comparison, the private carting industry in New York City is a largely unregulated enterprise where more than 100 carting companies, large and small, compete to pick up the refuse of 100,000 businesses. In one night, some 20 trucks from different companies could visit a single city block, bringing with them all the concomitant emissions, traffic and safety concerns.

The top 15 private carters in New York handle about 70 percent of the city's commercial waste. The biggest, Action Carting, has about 16,400 customers, according to the Business Integrity Commission, the city agency directly responsible for regulating the private waste carters.

Interviews with workers, observations of conditions on routes and at transfer stations and examinations of records, reports and legal documents reveal vast differences among those carters that operate in the commercial waste arena. Many of the companies, large and small, provide decent pay and benefits, place a premium on safety and adhere to rigorous collections standards. But there is abundant evidence that others, known by critics as "low-road," treat workers with a Dickensian level of indifference.

Private haulers say that between the federal Occupational Safety and Health Administration, the state Department of Environmental Conservation, the city Department of Transportation and the Business Integrity Commission, they are highly regulated and must follow rigorous protocol. But industry critics say that enforcement is lax and much of the industry's regulation is self-reported.

The BIC was designed to rid waste carting of organized crime, but after the crime families were largely chased from the industry in the 1990s, its brief became murky. Now, the agency monitors what companies are

operating and what equipment they are using, but outside of OSHA, the welfare of workers has little official channel for grievance.

"What's not part of our regulation is the working conditions," BIC Chair Daniel Brownell said at a City Council hearing last year. "When there are safety conditions, we're happy to take that information."

The Teamsters and a large coalition of environmental and labor advocacy groups argue that lack of intervention has bred in some companies an insatiable desire for profit at the expense of workers' and residents' safety and decent recycling practices.

In response to protests from advocacy groups, Mayor Bill de Blasio's administration has committed to a long-term study of the industry, expected out this spring. Part of the study will examine the potential creation of a new commercial zone, or franchising, system in which one carting company gets a contract to serve an entire section of the city.

The private carting industry argues such a regime would kill free competition and eliminate hundreds of decent working-class jobs. They argue industry critics are exaggerating problems with working conditions in order to push for franchising, which would likely benefit organized labor. Larger outfits will likely be the beneficiaries of a franchising system; the smaller firms fear they will be swallowed up or driven out of business altogether.

For many of the industry's critics, that can't happen quickly enough.

SIDNEY MARTHONE, 27, SPEAKS SOFTLY in broken English. He emigrated to the U.S. from Haiti when he was 21 and lives with his wife in Brooklyn.

For two years, Marthone worked as a helper on the back of a truck belonging to Five Star Carting. While both members of a truck's two-man crew are expected to lift bags, loaded with anything from rotten chicken bones to medical waste, the helper tosses most of the night's 18 to 20 tons into the steel belly of the truck.

Marthone talks with his hands often masking the still-boyish features of his face. His left middle finger droops beneath the others. It is missing the part where his fingernail should be.

"The container slipped on my finger, and I caught it," he said.

On a Wednesday night in November, Marthone was en route with his driver. He had worked 15 hours the night before.

A dumpster owned by Five Star was the pickup. It was supposed to have a metal pin on each side to latch onto the truck and get lifted and emptied into the compactor, but one had broken off. That's not uncommon, and the dumpster can still be lifted onto the truck. The crew can't be on the streets too long after daybreak, so each stop has to happen as quickly as possible.

The container slipped from its bearings and severed the top of Marthone's finger. His driver radioed to Five Star headquarters and, rather than call 911, took him to a nearby nursing home along their route. The driver spoke with his supervisor again and told Marthone he had to take him somewhere else.

"I said I'm not going anywhere," Marthone said, recalling the night.

An ambulance finally came and took him to the hospital.

Marthone said he tried in vain to get guidance from Five Star as to how he could pay for his surgery. It was weeks before he heard back.

The Teamsters Local 813 caught wind of his story. They asked him to speak at a public rally in North Brooklyn focused on Five Star and its operations. They helped get him a lawyer. It was only then, Marthone said, that he heard back from the company.

"Nobody called me to tell me what happened. They didn't do nothing," he said.

In an email to POLITICO New York, Nino Tristani, one of Five Star's owners, denied everything Marthone and others alleged. "All of the allegations made by the former Five Star Carting employees you spoke to are wholly and completely false," Tristani said.

Marthone has photographs of his bloody severed finger, as well as the broken Five Star cart.

In a follow-up email, a spokesman for the company, Ara Chekmayan, denied Five Star containers had any pins, despite the photograph. He said the company followed procedures properly in handling Marthone's workers' compensation claims.

It's been six months since Marthone was injured, and he hasn't worked in that time. When he was working, with overtime, he said he earned \$800 a week. Between November and April, he said he received a total of \$300 in workers' compensation from Five Star.

Records kept by the BIC show that Five Star received at least 30 violations in 2014 and 2015 — the fourth most in the city in that period — for offenses ranging from not properly marking receptacles to switching license plates on trucks and driving vehicles that weren't registered with the BIC.

Five Star has about 9 percent of the city's business, according to BIC records from 2015, making it one of the city's five largest carting companies. But a company's size does not determine its practices; small companies with only a few trucks can follow rigorous safety standards, while larger ones may flout them openly.

"AS A WORKER, YOU ARE TREATED like the truck. You are treated like a machine," said Carl Orlando, a former sanitation worker for Liberty Ashes who says he has worked in all aspects of the industry, from hauling garbage to office work to customer relations. He and several former co-workers have sued the company, accusing it of wage theft and other pay violations.

"There's no training. There's no safety meetings. There's no gear. There is no taking days off. There's no benefits. They don't even pay overtime," he said.

He, like others, stressed that not all private waste companies are the same, and that they vary widely in how they treat workers. But in his experience, the so-called "low-road" companies routinely put workers' safety in jeopardy.

Like many workers in the industry, Orlando said he was paid for a fixed number of hours no matter how long he worked — something he and others say incentivizes dangerous habits. He said he was paid for a 10-hour day but routinely had to work 12-, 13-, even 14-hour shifts to complete his route.

"You want to get through it as quick as possible, because you don't want that truck on the road as people are trying to go to work, and you have one truck out there trying to do the work of three," Orlando said. "I've driven all night, didn't stop for any red lights, went from one side of the street to the other, on the wrong side of the street, and I still couldn't get it done."

Wage theft is a common accusation against such companies. Three other workers — Marco Flores, Antonio Santos and Oscar Tudon — filed a class-action lawsuit against Five Star in July 2015 for unpaid wages.

The suit alleges the men "were not paid overtime premium pay for hours worked over forty (40) hours per week, did not receive wages for all hours worked, had meal breaks automatically deducted from their wages regardless of whether they actually took the full break, did not receive prevailing wages when they worked on public works projects, did not receive wage notice or proper wage statements."

Workers say the companies have other means of skirting their obligations, too.

Juan Feliz worked for Mr. T's Carting for close to 10 years. In 2013, at the age of 35, he was diagnosed with lung and throat cancer. He now speaks through a voicebox after surgery left a hole in his trachea.

After his diagnosis and first surgery, Feliz said his bosses treated him differently.

"When I went back to the company, I was treated worse than the garbage I was supposed to pick up," he said.

Feliz said the company asked him to change doctors. Then he said the boss, Peter Toscano, told him he would have to wait for further treatment.

"Toscano said I had to wait until next year because I had exhausted my funds," Feliz said.

As his medical bills piled up, Mr. T's Carting suddenly asked Feliz to do something it never had before: take an off-site drug test. He typically took drug tests on site, according to a judge's ruling.

He agreed to the off-site test, but it was scheduled for a cold day in January. As Feliz tried to get to the facility, he had trouble breathing. Blood started pouring from his tracheal tube, and he canceled the appointment. He rescheduled again, but when he arrived there was a long wait, and he left to pick up his 9-year-old daughter from school.

Mr. T's fired him, accusing him of refusing to take the drug test. When he tried to collect unemployment, the company rejected his claim. Feliz filed an appeal.

"They abused me," Feliz said in an interview. "They didn't fight for me. They didn't do anything."

Thomas Toscano, the company's CFO, said Feliz was misrepresenting how he was fired. He denied that Feliz was told he would have to wait for cancer treatments, and he said Feliz was asked to take an off-site test because he was absent from work.

"This was done on a Friday and he was instructed to go that day. Instead, he did not go til the following Wednesday or Thursday," Toscano wrote in an email. "While he did test clean, we do not know if he would have tested clean on the Friday when he was instructed to go."

In 10 years, Feliz had never tested positive for drug use, a judge wrote in a decision in Feliz's unemployment case.

"We fired him for refusing to take the test when told to do so, and he signed a policy that stated this would be interpreted as a positive test," Toscano said.

An unemployment appeals board judge took a different view, saying the Toscanos' policy was confusing and inconsistent.

"As the claimant had never before been directed to take an off-site drug test and he had medical issues that morning, I conclude that the claimant had a compelling reason for not taking the drug test that day," wrote Administrative Law Judge Justin Denton in a ruling awarding Feliz his benefits.

LAST APRIL, AT A CITY COUNCIL sanitation committee hearing called to investigate allegations of systemic problems in the city's private hauling industry, two workers — Michael Bush and Carlton Darden — gave rare first-hand testimony in which they detailed poor safety practices, low and unpaid wages and an overall disdain for workers.

"I feel as if I'm a slave," said Bush, another Five Star employee. "I feel used and degraded. I feel as if I'm nobody, but this job is a real responsibility to keep the streets of New York City clean."

Their testimony marked a stunning departure from the industry norm, cloaked in silence. Workers rarely speak out, but the Teamsters have encouraged them with the promise of protection from retribution.

"It takes a lot of courage to come up here," committee chair Antonio Reynoso told the pair. "I'll be there with you guys through this whole process."

Only a week later he would be called on to stand by his promise. Bush and Darden said they were fired Friday following their testimony.

POLITICO New York reported on the firings at the time, and Reynoso called a press conference and protest to be held in front of Five Star's Maspeth headquarters. Before it happened, though, the two workers said Five Star had reinstated them. Though POLITICO had reviewed one worker's termination statement, the company maintained it all was a misunderstanding.

"They should have never gotten fired in the first place. I'm still not happy," Reynoso said at the time. "Even if they do get rehired, they're going back to a place that doesn't do justice to its workers."

A report issued this month by the New York Committee for Occupational Safety and Health, a coalition of labor and worker safety advocates, described the private carting world as one rife with fatalities, injury and wage theft. But its list of workers killed on the job painted the bleakest picture.

Effrain Calderon, 47, was sorting through a pile of refuse at a facility run by Regal Recycling Company in 2005 when a front-end loader hit him and ran him over, according to the report.

Luis Camarillo, 18, was killed in 2013 when he was caught in the compactor of a truck owned by the Chambers Paper Fibers Corporation, the report said.

Shlomo Dahan, his son Harel Dahan and Rene Francisco Rivas were killed at a Regal plant in Jamaica, Queens, when they were overcome by hydrogen sulfide in a wastewater well that was not marked.

Aldo Cosme, 64, died while working at a Cooper Tank Recycling transfer station in July 2013, during a week of temperatures over 90 degrees. An OSHA investigation found he had been exposed to excessive heat caused by the combination of outdoor temperatures and the equipment, calling his death “a needless and preventable loss of life.”

The trade group that represents the carters, the National Waste and Recycling Association, has fought the allegations leveled by industry critics, saying opponents cherry-pick anecdotes to malign a whole industry.

Toscano’s company belongs to that group, and in an interview, he defended the industry against many of the accusations.

“This overall is a good industry, and I believe that with every fiber of my being,” Toscano said. “I think the Teamsters and [advocacy groups] are taking the 5 percent who are the problem and are making them worse than they are.”

The Teamsters, he said, stand to gain members under a commercial zone system. He argued the days when the mob ran the industry were essentially a franchise system, with five families dividing up the city by sector and agreeing on prices for private carting customers. When there was competition, it took the form of gunplay, rather than customer service or bargain prices.

“The Teamsters are trying to put that whole situation back into play, without the mob families controlling the zones,” he said.

While large outfits like his will likely do well, smaller companies that keep the business competitive will be driven out, he said.

Toscano said he welcomes greater scrutiny of the private waste industry.

“We say, we want you to look at these small haulers more closely. When one of them does something stupid, it reflects badly on the whole industry,” he said. “I’ll compete with anybody out there — but put us on the same playing field.”

The BIC had been supposed to spearhead the city’s report on the industry and the efficacy of creating a franchise system, but due to delays, the Department of Sanitation took it over late last year.

“It’s going to be out by late spring,” Sanitation Commissioner Kathryn Garcia recently told a reporter when asked about the report. “We will then develop what the city’s position is out of the data that we find from that. The department will make a recommendation to City Hall.”

Asked how a franchising system might work, Garcia, who maintains an agnostic view, warned that any such system would be a long way off. “We’re not at all at the point where we’re even trying to determine that,” she said, adding that the report will inform her next decision.

“It will give people a real sense of the industry,” she said. “That’s what we’re hoping for — to really get a sense of what is this industry currently, who’s happy about it, who’s not happy about it.”

THE INDUSTRY ISN’T WAITING FOR the report before it circles the wagons. Earlier this year, a handful of carting companies that had previously been represented by the National Waste and Recycling Association

formed a splinter group of their own. Among them were Five Star and Liberty Ashes, along with Boro-Wide Recycling, Regency Recycling, D&D Carting, Avid Waste System, Industrial Carting, Metropolitan Paper Recycling and Crown Container.

If a franchising system is adopted, it will likely be the big players, like Action Carting and IESI, that get the large, zone contracts. They have the capacity and fleet to manage bigger districts, as well as reputations for rigorous safety standards and decent pay.

Advocates and workers don't want to wait years for that system to take effect, though. Nor do some on the City Council who are pushing for industry reforms, including Reynoso, Elizabeth Crowley, I. Daneek Miller and Stephen Levin.

Allan Henry, who has been in the private hauling business for two decades, is one of the organizers for the Teamsters who makes the rounds each night, talking to workers. He admits there are good and bad actors in the industry. He spoke this month at a Worker Voice Regional Summit hosted by the federal Department of Labor, an outgrowth of a White House initiative to hear from working-class Americans.

He said the size and diversity of the coalition — which includes the Alliance for a Greater New York, New York Lawyers for the Public Interest, the New York City Environmental Justice Alliance, Natural Resources Defense Council, Teamsters Joint Council 16 and Teamsters Local 813 — looking to reform the waste industry indicated the breadth and depth of the problem.

"How I look at that is this: If we have a sanitation worker that's not being paid his overtime, that's everybody's fight," he said. "If we have someone who lives in the community in Northeast Brooklyn that's afraid to cross the street because garbage trucks are barreling down the street that's everybody's fight."

—additional reporting by Brendan Cheney

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Message

From: Shore, Berry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CCDB5298240449EBA038932B99491247-SHORE, BERRY]
Sent: 5/2/2016 1:17:06 PM
To: R2 EPA Region 2 (EPA Staff) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0b426b5295c4874ae24c7ad1f052dd8-R2 EPA Region 2 (EPA Staff)]
Subject: Morning Clips

Puerto Rico to Miss Largest Payment to Date

By MARY WILLIAMS WALSH

MAY 1, 2016

NY Times

Gov. Alejandro García Padilla of Puerto Rico said Sunday that he had ordered a debt moratorium, blocking a \$422 million payment due on Monday.

The missed payment is the biggest yet in a continuing series of defaults by the struggling United States territory, and a warning that Puerto Rico will probably default on even larger and more consequential payments due on July 1, unless Congress enacts rescue legislation before then.

On that date nearly \$2 billion is due, roughly \$800 million of which consists of general-obligation bonds that carry an explicit guarantee by the Puerto Rican Constitution. Missing a major payment on such debt would not only set off a wave of creditor lawsuits, but it could also cast a shadow over America's \$3.7 trillion municipal bond market, for decades an essential source of financing for public works.

"This was a painful decision," the governor said in a televised speech on Sunday, in which he struck a nationalistic tone and said he had to invoke his emergency powers under Puerto Rican law because help from Washington was not forthcoming.

"We would have preferred to have had a legal framework to restructure our debts in an orderly manner," he said.

Federal law bars Puerto Rico from restructuring under Chapter 9, the part of the bankruptcy code that insolvent cities and other local governments can use. Lawmakers in the House of Representatives, under the direction of Speaker Paul D. Ryan, have been trying to draft a special law to give Puerto Rico legal powers to abrogate debt, something normally available only in bankruptcy.

But the bill is contentious and important provisions are still being negotiated.

The governor said the process was too slow. In his speech he blamed unnamed "opponents of the people of Puerto Rico," who, he said, "have unleashed a brutal campaign of racial discrimination and lies against us," convincing some members of Congress that Puerto Rico needed austerity. "Puerto Rico needs Speaker Paul Ryan to exercise his leadership and honor his word," he said. "We can't wait longer. We need this restructuring mechanism now."

The governor also expressed skepticism about a core principle of the rescue legislation: that to get extraordinary powers to reduce debt, Puerto Rico must first come under federal oversight. Mr. García Padilla said he would welcome oversight that assisted the island's elected government, but would strongly oppose any federal

oversight board that could overrule the government on matters like taxation, or on which creditors ought to be paid first.

“It could become a public embarrassment for the United States to admit, before the international community, that while it fights for democracy in foreign lands, it denies democracy in its own backyard,” he warned.

The \$422 million payment due on Monday was owed by the island’s powerful Government Development Bank, which for decades has raised money for various branches of government and performed other critical tasks. Its creditors include many local credit unions on the island, which late last week agreed in effect to roll their debt forward for another year.

But other creditors appeared late Sunday to be holding out for cash. Until the moratorium was invoked the Government Development Bank had until the close of business Monday to pay, because the due date, May 1, fell on a Sunday.

Early in April, a group of hedge funds sued the bank, arguing that it was insolvent and was using its scarce resources to “prop up” other parts of the government. The hedge funds asked the federal court in San Juan to freeze the bank’s assets, other than those paid out to support the basic safety and well-being of the island’s residents.

A few days later, Puerto Rico’s legislature gave the governor the power to do much the same thing: to halt debt payments, to save cash for essential public services.

“What we will never do is put the lives and safety of our people in danger,” said Mr. García Padilla in his televised speech. “They are, and will continue to be, our priority.”

Another Puerto Rico Entity Placed Under Emergency Period

By Luis J. Valentín May 1, 2016

Caribbean Business

SAN JUAN — As part of Gov. Alejandro García Padilla’s recent order declaring a moratorium on the Government Development Bank’s (GDB) debt service, an emergency period has been declared at the Puerto Rico Infrastructure Financing Authority (Prifa).

The public corporation, an affiliate entity of the GDB, faces a \$5.1 million debt-service payment Jun. 15 — interest on the roughly \$669 million in revenue bonds issued by Prifa back in 2011. Proceeds were loaned to the Ports Authority to “finance and refinance certain [of its] indebtedness,” including outstanding commercial loans and lines of credit with the GDB, according to bond documents.

The executive order signed April 30 further states that only Prifa’s Ports-related bonds have been declared “covered obligations,” pursuant to the recently enacted Puerto Rico Emergency Moratorium & Financial Rehabilitation Act. But contrary to the troubled government bank, García Padilla hasn’t declared a moratorium on Prifa’s debt service.

In a televised message Sunday, García Padilla announced a moratorium on the GDB’s debt obligations, as the commonwealth stands ready to partially default on as much as \$390 million due May 2 on the bank’s outstanding debt, which totals roughly \$4 billion.

“Pursuant to Act 21, I ordered a moratorium on the debt service payment due by GDB [on May 2]. In light of Congress’s inaction, we were forced to enact Act 21 to protect the education, health and public safety and other essential services of our citizens from creditors,” the governor said.

Lake and Ley Creek share legacy of pollution

04/30/2016

Post-Standard, The

Two seemingly unrelated events are unfolding in our community, which illustrate two points that the Onondaga Nation and many others have been making for decades about the intense amount of hazardous waste that remains in and around Onondaga Lake and its tributaries: One, the decisions about the cleanup of our water and soil should be made deliberately, with ample time and opportunity for the public to understand and to comment; and two, when state and federal environmental laws fail to provide an effective remedy for the removal of hazardous waste, we are passing the problem on to future generations.

To the first point: The Onondaga Nation is deeply concerned with the proposed resolution that reverses the 2011 promise by the county to return land on the Lake to the Nation. This new resolution is slated to be voted on by the full County Legislature on Tuesday, less than a month after the Onondaga Nation or the public had any information about it. Why is this controversial resolution being rushed to a final vote so quickly?

Nation leaders' first opportunity to meet with the County Executive is on Monday, less than 24 hours before the scheduled vote. This vote must be adjourned and a full public hearing should be scheduled in its place.

The Nation has been consulting on a government-to-government basis with the U.S. Environmental Protection Agency to set high standards of cleanup for the lake. On the "Murphy's Island" site at the mouth of Ley Creek, we have been making progress due to the 2011 Onondaga County resolution. The Nation supports public access to the lake, but there must be a proper cleanup and removal of the toxins. EPA stated this week that this resolution could well have the impact of reducing the level of toxins that will be removed from Murphy's Island.

Wednesday's shocking disclosure that high levels of PCBs will be removed from the backyards of homeowners along Ley Creek illustrates my second point. The affected homeowners were only recently told to not let their children play outside, not to garden, and to wash off their pets after exposure to the soil. In 1987, a

county Health Department letter stated that PCBs were present, and the levels "weren't high enough to be cleaned up." State environmental officials have known since the early 1980s that the soil along Ley Creek is contaminated with PCBs; and yet, today's residents are surprised by the most recent revelations.

Was the public allowed to comment in the 1980s, as to whether they agreed that the levels of PCBs were safe? Were their concerns ignored? Was the discussion of "safe" levels of toxins rushed through with little public participation? Our democracy is stronger when more citizens are involved, informed and listened to.

How many residents around the lake and along Ley Creek will suffer harm because of ineffective state and federal laws that permit hazardous waste to remain? How much contamination is in the lawns and gardens of private homeowners? Will discussions of a swimming beach take into account the mercury and other contaminants that remain in the near-shore sediments as far north as Willow Bay? Dredging did not occur in those areas. Under the current state of affairs, there will always be human risks associated with Onondaga Lake; groundwater treatment systems on the Lake's West Shore must operate in perpetuity; the unlined landfill known as the Salina dump has been consolidated, but the waste remains; the list goes on and on.

The fish in Ley Creek, which migrate to and from Onondaga Lake as well, will never be suitable for human consumption under the current cleanup plans, yet there is no signage in any language around Onondaga Lake or along Ley Creek to let people know this. The NYSDOH also recommends that no Onondaga Lake fish be eaten by women or children, and is currently studying fish consumption by area residents who are consuming high amounts of fish. This is a public health crisis and underscores the need for a far better remedy for all of Onondaga Lake.

People need better and timely information from regulators about the exposure of contamination that remains in our soil and water. Cleanup standards need to be higher, and there must be more waste removed to be actually protective of human health and the environment. Future generations are depending on us.

Joe Heath is general counsel for the Onondaga Nation, and an environmental activist.

Puerto Ricans leaving island for U.S. in record numbers

By Jeffrey Acevedo, CNN

Updated 3:16 AM ET, Mon May 2, 2016

CNN

(CNN) — Puerto Ricans are leaving the island for the mainland United States at a historic rate.

The commonwealth's Institute of Statistics revealed Sunday the results of its analysis on 2014 migration, which found that Puerto Rico lost almost 2% of its population that year.

About 84,000 people moved from Puerto Rico to the United States in 2014, according to the report, while only 20,000 moved back to the island, resulting in a net migration of 1.8%.

On average, 230 people left per day -- enough to fill two daily flights out of the island.

The result is the highest net migration recorded in the past decade, the Institute said.

It's the economy

"The economic factor is the main factor pushing people towards leaving Puerto Rico," demographer Raul Figueroa, who works as an independent consultant, told CNN.

Unemployment, the lack of opportunities, especially for the youth, and quality of life are major factors, he said.

Puerto Rico, now 10 years into a recession, is deep in debt and often compared to Greece and Detroit. More Puerto Ricans now live in the mainland United States than on the island itself, which eases the transition of Puerto Ricans who move.

In the 1950s, most Puerto Ricans moved to New York, Figueroa said, but "Florida has been the main destination in the last 10 years."

Mario Marazzi-Santiago, the Institute's executive director, said negative migration has been a reality for a while.

"(This report) confirms what we had already been observing and anticipating in the past few months," he said in a statement.

The Institute's report gathers data from the U.S. Census Bureau and the U.S. Bureau of Transportation Statistics.

Under its status as a commonwealth, Puerto Rico is subject to U.S. federal laws, though island residents are exempt from some federal taxes. Puerto Rico has a nonvoting representative in Congress.

'The longer I'm here, the harder it is to leave'

Cassandra Jimenez, 24, left Puerto Rico in 2014 and moved to Marietta, Georgia, to pursue a chiropractic degree.

"In Puerto Rico, no university offers this program. I had to come to the States to be able to pursue this career," she told CNN.

With two more years to go, she said she doesn't see herself necessarily moving back to the island.

"I'm not 100% sure yet, but I find the quality of life here better, so I'm more likely to stay than go back," she said.

Her boyfriend, also Puerto Rican, moved to Georgia straight out of college in 2013 for a job as an electrical engineer.

"Even before graduating, I already had a job here," said Luis Miguel Soto, 26.

Soto recalled that many of his classmates at the University of Puerto Rico in Mayaguez spent a lot of time looking for jobs as engineers.

"When construction stops, engineering jobs stop," he said.

Will he move back to Puerto Rico?

"The longer I'm here, the harder it is to leave," he said, making reference to growing wages. "And the more I'd have to leave behind."

Half million people left in 1950s

For the past six decades, Puerto Rico has looked at the 1950s as a point of reference for mass exodus. Back then, close to half a million inhabitants left for the mainland.

But most recent data suggests that Puerto Rico may be experiencing an even greater wave of migration, the Institute of Statistics said.

Between 2010 and 2014 more people moved from the island to the United States than in the first half of the 1950s, when the net migration was estimated at 237,000, according to the organization.

In the first half of the current decade, 263,000 people flew to the United States and didn't return.

These numbers, said Marazzi-Santiago, point to what may be known by the end of the decade as "the greatest exodus in Puerto Rico's history."

Settling in San Antonio

Silvia Nunez moved from Puerto Rico to New York in 2015 because of lack of jobs. The cost of living took her by surprise.

"I had a plan, but it didn't work out," she said.

After trying New Jersey, she ended up moving to San Antonio, Texas, where she finds life less expensive than in Puerto Rico.

"The wages are higher. Most of the time, you start working at a rate of \$9.25 an hour," Nunez said.

She also feels safer, and is paying less than half what she used to pay for utilities in Puerto Rico.

Nunez described San Antonio as a great city for those who are not fluent in English.

"You'll need to speak English if you want to find a better job, but you can still get one without speaking the language."

The only downside to her experience, she said, is that health care is more expensive.

Teachers add to 'brain drain'

While students make up two-thirds of Puerto Rico's total population decline, between 1,000 and 4,000 teachers also left in 2014.

A similar number of retailers moved to the States the same year, the Institute of Statistics said.

More people with a degree greater than a high school diploma flew out of Puerto Rico in 2014. Those who moved back couldn't make up the difference, so 17,000 "brains" were lost.

And for the fourth year in a row, there was an increase in the number of professionals who left the island -- about 12,000 people including managers, salespeople, health care workers and educators, the Institute said.

"In the following years, when the history about the current migratory wave is written, it will be described as the Second Great Migration, or the Second Great Exodus of Puerto Rico," Marazzi-Santiago said.

The Institute of Statistics' full report is available [here](#).

WRITING THEIR OWN LAW

04/30/2016

Record & Herald News, The

A group of Ringwood residents is banking on a seldom-used provision of municipal law that could force Ford Motor Co. and the borough government to excavate 166,000 tons of contaminated soil at its Superfund site instead of placing a barrier over it.

Organizers hope to trigger a townwide referendum asking if the borough should scrap a plan to build a controversial recycling center at the O'Connor Disposal Area, one of three major areas where Ford contractors dumped a massive amount of paint sludge from its former Mahwah plant nearly 50 years ago.

The recycling center is at the heart of a three-year-long battle over whether to excavate or cap O'Connor, which sits next to a low-income neighborhood.

Although the Environmental Protection Agency's original cleanup plan called for O'Connor to be excavated, the agency reversed course last year and approved a plan by the Borough Council to build a recycling center on top of a barrier covering mounds of pollution. Critics say the council and Ford came up with the recycling plan in 2013 to significantly reduce their cleanup costs, which dropped from \$32.6 million for excavation to \$5.4 million for capping. Ford has agreed to pay for the \$1.2 million recycling center.

Federal law favors Superfund sites being redeveloped into useful properties and EPA officials have said the capping plan is still protective of public health. But an EPA spokesman said Friday that if the borough were to drop its recycling center proposal, the agency would return to its original cleanup plan and have Ford and the borough excavate O'Connor.

Organizers behind a petition drive hope that happens.

"I really don't think anyone here wants to keep all of this pollution in town," said Lisa Chiang, who has organized the petition. "It was such a shortsighted decision and it needs to change."

Ringwood operates under the Faulkner Act, a form of municipal government that allows residents to introduce ordinances without any action by the Borough Council. To do so, residents have to submit a petition containing signatures equal to at least 10 percent of the voters who participated in the last General Assembly election. If the council doesn't pass the ordinance, it automatically goes on the November ballot as a townwide referendum.

Although 130 municipalities operate under the Faulkner Act, residents rarely use its provision to bypass their town council, an expert on the law said.

"It can be an effective way for people to get their voice heard but I don't think a lot of people know about it," said James McCreedy, a Morristown lawyer who has written about the act for the New Jersey Law Journal. "The part of government that most affects us is local government and this gives people the right to directly engage in it."

Paint sludge dumped

The pollution dates to 1967, when Ford contractors dumped paint sludge at three sites in Upper Ringwood where many members of the Ramapough Native American tribe live. Ramapoughs have reported serious illnesses and early deaths, which they contend are the result of exposure to pollution at the site. No studies have made a direct link, however.

The EPA declared the site clean and took it off the Superfund list of the nation's worst toxic sites in 1994 even though there was evidence of an enormous amount of paint sludge in the area. A 2005 series by The Record

documented the pollution and prompted the area to be relisted as a Superfund site -- the first time that had ever happened in the program's three decades.

The EPA had pledged to adequately clean up the site and required Ford to remove more than 50,000 tons of tainted soil. But the decision last year to allow capping enraged many residents.

Mayor John Speer defended the recycling plan at a recent community meeting saying both the EPA and state Department of Environmental Protection believe capping would protect residents from exposure to soil polluted with arsenic, lead, benzene and other harmful substances. He also acknowledged that the borough's liability drove the decision for a cheaper cleanup. Ringwood is responsible for a portion of the cleanup because officials in the 1960s and '70s allowed Ford to dump in town.

"I think the borough is going to be on the hook for a large portion of the removal at the O'Connor Disposal Area," he said in a tense back-and-forth with residents opposed to the center.

One of those residents was Chiang, who started the petition drive the next day. Chiang, a teacher who moved with her husband and young son to Ringwood about two years ago, said she was alarmed to learn the contamination would stay in Ringwood in perpetuity.

Chiang said she needed 210 signatures to present the ordinance to the council. An online version of the ordinance already has more than 350 names, including some Ramapoughs.

"I totally support what she's doing and I hope it works," said Vincent Mann, chief of the Ramapough Turtle Clan. "This recycling center was a sham from the start."

Because she doesn't expect the council to approve the ordinance, Chiang said it must be completed by midsummer to get a question on the November ballot.

EPA officials declined to comment on the efforts of the group. Even though the agency approved the capping plan more than a year ago and Ford is designing a work plan, EPA officials say the plan still hinges on whether the borough moves forward with the recycling center.

"The EPA's rationale for selection of the [cleanup plan] was based on the borough of Ringwood's intended use of the O'Connor Disposal Area for the construction of a new recycling center," said Elias Rodriguez, an agency spokesman. "If the borough does not build the recycling center, the EPA would revert to the original selected remedy for the O'Connor Disposal Area, which would be excavation, removal and disposal."

Supporters had planned to mail a postcard over the weekend to 2,400 households in town with information on their petition. They also planned to pass them out at a community cleanup. They would then go door-to-door seeking signatures.

"If I had a leaky oil tank under my backyard, I couldn't just put a shed on top of it and say everything's OK," said Lad Bell, one of several residents working with Chiang to get signatures. "No, I would be forced to remove it. The same thing should happen here."

Ringwood residents petitioning to force full cleanup of Superfund site

By SCOTT FALLON, STAFF WRITER |

Last updated: Sunday, May 1, 2016, 9:16 AM

NorthJersey.com: News The Record

A group of Ringwood residents is banking on a seldom-used provision of municipal law that could force Ford Motor Co. and the borough government to excavate 166,000 tons of contaminated soil at its Superfund site instead of placing a barrier over it.

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The recycling center is at the heart of a three-year-long battle over whether to excavate or cap O'Connor, which sits next to a low-income neighborhood.

Related: No changes to Ringwood cleanup; EPA backs barrier plan despite dioxane discovery

Although the Environmental Protection Agency's original cleanup plan called for O'Connor to be excavated, the agency reversed course last year and approved a plan by the Borough Council to build a recycling center on top of a barrier covering mounds of pollution. Critics say the council and Ford came up with the recycling plan in 2013 to significantly reduce their cleanup costs, which dropped from \$32.6 million for excavation to \$5.4 million for capping. Ford has agreed to pay for the \$1.2 million recycling center.

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Cancer-causing pollutant detected in well in Wayne

By JAMES M. O'NEILL

STAFF WRITER |

The Record

A cancer-causing pollutant in the groundwater beneath a Pompton Lakes neighborhood was also detected in a nearby residential well in Wayne, raising the possibility that the contamination could be migrating under Pompton Lake to the other side.

State and federal officials say the pollutant — TCE, a solvent — is found in cleaners, paints and other products commonly used by homeowners and that one of these could have been the source of the pollution that showed up in the Wayne well. And officials overseeing cleanup of the contaminated groundwater beneath hundreds of homes in Pompton Lakes have said for years that the pollution wasn't likely to migrate deep beneath the lake to the Wayne side.

However, two independent hydrogeologists, who looked at the geology underlying the region at The Record's request, say it's certainly possible the contamination could have traveled under Pompton Lake and then been detected in the residential well in the Pines Lake section of Wayne.

"It has been in the ground for decades, so it could easily move by tens of feet per year," said David Yoxtheimer, a hydrogeologist at Pennsylvania State University. "These contaminants, I have found, can go right under rivers."

Indeed, chromium that spilled at an industrial site in Garfield decades ago and spread beneath hundreds of homes has migrated under the Passaic River and was detected on the other side in the city of Passaic.

Yoxtheimer and John Schuring, a hydrogeologist at the New Jersey Institute of Technology, said that, given the contamination detected in the one well in Wayne during two tests in 2011, it would be prudent for the other residential wells in the Pines Lake neighborhood to be tested.

Wayne Mayor Christopher Vergano said that to his knowledge there was no systematic effort to test the other wells in the Pines Lake neighborhood after the pollutant was found in the well.

"I'm a little surprised there has not been testing on the Wayne side of the lake," Yoxtheimer said. "Pompton Lake is shallow and there's deeper groundwater flowing there."

The federal Environmental Protection Agency and state Department of Environmental Protection said that while TCE, or trichloroethene, is one of the pollutants under homes in Pompton Lakes, the solvent is also present in paint strippers, adhesive removers, rug cleaners, disinfectants, varnishes and paints, and that one of these may have been the source.

Yoxtheimer, though, said the EPA seems to be "making assumptions about the common provenance of the TCE from domestic sources, which is not common in my experience."

TCE was used for decades at a former DuPont munitions facility in Pompton Lakes, which manufactured blasting caps and ammunition shells for the military from 1902 until 1994, when the facility closed. It also used PCE, or tetrachloroethene, another cancer-causing solvent. The solvents were used to clean machine parts and

remove residue from metal plates. Mercury and lead were also used at the site, and those contaminants were carried by Acid Brook to Pompton Lake. Plans are in place to dredge the contaminated sediment from the lake this summer.

The TCE and PCE, meanwhile, were deposited in lagoons on the 600-acre DuPont campus, and then migrated down through the soil, where they were carried by groundwater under several hundred homes between the site and Pompton Lake.

Test wells drilled into the street have determined the extent of the contaminated plume, and officials have said the shallow groundwater under the homes flows into the lake. Maps show the plume ending at the lake's northern shoreline. Federal and state officials have said deeper groundwater likely also travels up into the lake from below, because the lake would act as a hydrological sink for the area.

In March and May 2011, a residential well on Pines Lake Drive West in Wayne, just south of Pompton Lake, tested positive for TCE at a level above the state standard of 1 part per million. The state requires such tests before a home sale, but the actual results and the exact address of the well are not public information under state law. A third test conducted in July 2013 came back negative for TCE in the well.

Because of the 2011 test results, the Passaic County health department sent a letter in February of 2013 to 129 homes within 1,000 feet of the contaminated well, alerting them of the test results. The department recommended "that private well owners in this area have their well tested." It also said that testing wells was the responsibility of each well owner.

Keith Furlong, a spokesman for the county, said none of the residents who received a letter contacted the county later about positive well test results.

Many homes around Pines Lake are hooked up to Wayne's town water system, but some still have private wells.

Two members of the Wayne Environmental Commission contacted by The Record, including one who lives in the Pines Lake neighborhood, said they were unaware of the well tests showing contamination. Officers of the Pines Lake Association, a homeowners group, did not respond to requests for comment.

One reason the two hydrogeologists consulted by The Record thought TCE could have migrated beneath the lake is that these solvents are heavier than water. "You often see increased concentrations with depth," said Penn State's Yoxtheimer. "These solvents are well-known for being sinkers rather than floaters."

DuPont's own test results bear that out. According to the company's testing data filed with the EPA, concentrations of TCE have been decreasing at shallow levels beneath the affected Pompton Lakes neighborhood over the years, but concentrations recorded by some intermediate and deeper test wells have fluctuated, first dropping, then rising over time, including a test well more than 90 feet deep where Grant and Schuyler avenues meet.

The geology of the area could also play a role in the solvent's migration, hydrogeologists said.

The region lies atop alternating beds of softer, more porous sedimentary rock and hard, less porous volcanic rock, like basalt and gneiss, that were deposited during the Mesozoic era, when dinosaurs roamed. Those alternating layers, which Schuring calls a "Mesozoic club sandwich," became tilted over time. Later, during the

last ice age about 20,000 years ago, the retreating Wisconsin glacier deposited a layer of looser sand and gravel, called alluvium, in various thicknesses above the now-angled sedimentary and volcanic rocks.

The neighborhood in Pompton Lakes with the contaminated groundwater sits on glacial alluvium. Beneath that are two buried bedrock valleys that run from the DuPont site in a southeast direction toward Wayne.

The solvents likely sink through the porous alluvium. Once they hit the less porous bedrock, follow the southeast course of the bedrock valley at least 100 feet below Pompton Lake, toward the Wayne side, said the hydrogeologists who studied the region's geologic maps and data on the contamination.

"Gravity's working, and at a depth of 100 feet below the lake level," said Penn State's Yoxtheimer. "If they are saying all groundwater is rising back up and feeding into the lake or Ramapo River, that's a very oversimplified assumption."

Schuring, the NJIT hydrogeologist, who previously worked as an engineer at the EPA, agreed. "There's no question the standard wisdom is correct that the shallow groundwater stops at the lake, but deeper down it's a different story," he said. "The deeper groundwater may not stop at Pompton Lake."

"Having a deeper flow of the solvent is certainly feasible," he said. "I wouldn't be surprised if the TCE migrated under the lake."

The EPA is not convinced. Bedrock studies on the DuPont site have shown little groundwater flow in bedrock fractures there, said EPA spokesman John Martin.

Also, there is a high bedrock mound under Wayne, and groundwater would flow from that bedrock mound toward Pompton Lake, he said. That flow would likely serve as a barrier and keep any Pompton Lakes contaminants from reaching the Wayne wells.

Yoxtheimer said the flow of groundwater through the fractures in bedrock "may be more complex" than the EPA suggests. "Chemicals can migrate against groundwater flow to a certain degree," he said.

Without collecting water level data and groundwater samples from the Wayne side, officials can only infer what is happening deep underground, Yoxtheimer said.

Email: oneillj@northjersey.com; Twitter: @JamesMONEill1

Is county renegeing on promise to Onondaga Nation to make lake cleanup cheaper? Murphy's Island at center of dispute

04/30/2016

Post-Standard, The

County Environment Direction Travis Glazier has said the reason for county's reversal is to keep 100 percent of the lake open to the public and to put a bike trail across Murphy's Island. That's what Glazier told the legislative Environmental Protection Committee earlier this month before the committee voted 4-0 to approve the resolution.

Heath said he will be meeting with County Executive Joanie Mahoney on Monday - the day before the Legislature is scheduled to vote on the resolution.

Contact Glenn Coin by email or at 470-3251.

Onondaga County is reneging on its promise to give land to the Onondaga Nation because the county wants to make the cleanup cheaper, activists say.

The county Legislature will consider a resolution this week that would reverse a 2011 promise the county made to clean up the site, called Murphy's Island, and give it to the Onondaga Nation. A long-promised feasibility study that would look at how to clean up the 36-acre parcel behind Destiny USA - and estimate the cost - has not been released.

"The intent of the resolution is to lower the standard of cleanup for that parcel of land," said Lloyd Withers, who has been working with the nation to return the land for years. "Here on the eve of the release (of the study) we see a new intended use being rushed through. It's about getting out of a cleanup of Murphy's Island."

Withers spoke Wednesday at the monthly meeting of the Onondaga Lake Watershed Partnership. During that meeting, an Environmental Protection Agency lawyer speaking from New York City said the agency is conducting a risk assessment based on giving the land to the Onondaga Nation.

If the county decides to keep the land, said lawyer Argie Cirillo, the EPA would change its study.

"If it was transferred to the nation, it would be cleaned to the level the nation would use it," Cirillo said. "This resolution may change that risk assessment because the end use would change."

Studies have shown that Murphy's Island is highly contaminated with toxic chemicals, including mercury, arsenic, cadmium and lead. Honeywell has conducted the studies and could be responsible for the cleanup costs, said Onondaga Nation attorney Joe Heath.

The 2011 resolution says the Onondaga nation would use the land for "traditional uses," including hunting, fishing and harvesting medicinal plants.

If the land was used just for a bike trail, Withers said, the county could simply do what it did on the wastebeds on the west shore: Pave the trail, and put up fences and signs telling people to stay off the soil.

Fred Miller, a member of the watershed group and of the Nine Mile Creek Conservation Council, blasted the county for going back on its promise to the Onondagas.

"If I was in their position I would find it extremely insulting to say they can't

have a footprint on this lake," Miller said. "It's disgusting."

County Environment Direction Travis Glazier has said the reason for the county's reversal is to keep 100 percent of the lake open to the public and to put a bike trail across Murphy's Island. That's what Glazier told the legislative Environmental Protection Committee earlier this month before the committee voted 4-0 to approve the resolution.

Glazier did not attend Wednesday's meeting of the watershed group. A Honeywell representative at the meeting, Craig Milburn, did not address the issue.

Withers questioned why Glazier, and not the parks department, is handling the Murphy's Island resolution. Withers also noted that the resolution directs the county to file a copy with the EPA and the state Department of Environmental Conservation.

The resolution was prepared on March 16, although the Onondaga Nation knew nothing about it until less than two days before the environmental committee meeting April 13, nation lawyer Joe Heath said. He said he asked the committee to delay a vote, but was turned down.

"What's the rush?" Heath asked. "Why not give it a little time?"

Heath said he will be meeting with County Executive Joanie Mahoney on Monday - the day before the Legislature is scheduled to vote on the resolution.

Mahoney had supported turning over the land to the nation. In 2012, she said she was working on the plan to transfer the land to the nation, which would require state approval.

[Return to Top](#)

Traces of Pesticide Belie Quaker Oats' Claim It Is 100% Natural, Lawsuit Asserts

05/01/2016

New York Times, The

A lawsuit seeking to be certified as a class action has been filed on behalf of consumers in New York and California against the owner of Quaker Oats after testing found traces of the pesticide glyphosate in some oatmeal.

While the level of glyphosate, the active ingredient in the popular weed killer Roundup, detected in the oatmeal falls well below the limit set by federal regulators for human consumption, the lawsuit accuses Quaker of false advertising because it markets the oatmeal as "100% natural."

Quaker, which is owned by PepsiCo, says on its website that the oats used in its products are grown in an environmentally responsible way. "Since oats require less herbicide spray than many other grains, there is less risk of pollutants and groundwater contamination," it says.

The lawsuit, filed in Federal District Courts in New York and California, contends that such statements are false and misleading. "There is nothing unlawful about Quaker Oats' growing and processing methods," the suit says. "What is unlawful is Quaker's claim that Quaker Oats is something that it is not in order to capitalize on growing consumer demand for healthful, natural products."

In a statement, the Quaker Oats Company said that it did not add glyphosate during any part of the milling process but that it might be applied by farmers to certain grains before harvest.

The company said it puts the oats it receives through a cleansing process. "Any levels of glyphosate that may remain are trace amounts and significantly below any limits which have been set by the E.P.A. as safe for human consumption," the company said.

A test paid for by lawyers for the plaintiffs, the Richman Law Group, found glyphosate at a level of 1.18 parts per million in a sample of Quaker Oats Quick 1-Minute. This is roughly 4 percent of the 30 parts per million that the Environmental Protection Agency allows in cereal grains.

An independent lab in California did the testing, using liquid chromatography-mass spectrometry, a technique widely used by medical and chemical labs and pharmaceutical research.

Although testing was done only on Quick 1-Minute, the lawsuit also makes claims against Quaker Oats Old-Fashioned and Quaker Steel Cut Oats.

Glyphosate is one of the most widely used pesticides around the world. The Monsanto Company began selling the pesticide in the 1970s. But it was the introduction of genetically engineered crops two decades later that fueled the sharp increase in the use of the pesticide. Those crops now account for most of the corn, soy, sugar beets and canola grown in the United States.

Glyphosate also is widely used in home gardens, on golf courses and other places.

Last year, the World Health Organization classified glyphosate as a "probable" carcinogen. Since then, environmental and consumer groups have begun to focus their efforts on the pesticide, and a growing number of reports on glyphosate in food have surfaced.

Earlier this year, the Food and Drug Administration said it planned to begin testing some foods for glyphosate.

The biotech industry and food companies contend that the levels of glyphosate found in products fall well below limits set by government officials. The European Union sets the average daily level of intake for glyphosate at 0.3 milligrams per kilogram, while the Environmental Protection Agency sets it at 1.75 milligrams per kilogram daily.

Mr. Richman said the amount of glyphosate was not the issue. "The issue is that Quaker advertises these products as 100 percent natural, and glyphosate in any amount is not natural," he said.

Oats are not a genetically engineered crop. But glyphosate is increasingly being used as a "dessicant" to dry out crops to speed harvesting.

The lawsuit was filed over the weekend in New York and California, and, Mr. Richman said, would be filed in other states this week.

The plaintiffs are seeking refunds for purchasers. They also are asking that PepsiCo either be required to reformulate the products or disclose the presence of glyphosate in them.

Lake and Ley Creek share legacy of pollution

04/30/2016

Post-Standard, The

Two seemingly unrelated events are unfolding in our community, which illustrate two points that the Onondaga Nation and many others have been making for decades about the intense amount of hazardous waste that remains in and around Onondaga Lake and its tributaries: One, the decisions about the cleanup of our water and soil should be made deliberately, with ample time and opportunity for the public to understand and to comment; and two, when state and federal environmental laws fail to provide an effective remedy for the removal of hazardous waste, we are passing the problem on to future generations.

To the first point: The Onondaga Nation is deeply concerned with the proposed resolution that reverses the 2011 promise by the county to return land on the Lake to the Nation. This new resolution is slated to be voted

on by the full County Legislature on Tuesday, less than a month after the Onondaga Nation or the public had any information about it. Why is this controversial resolution being rushed to a final vote so quickly?

Nation leaders' first opportunity to meet with the County Executive is on Monday, less than 24 hours before the scheduled vote. This vote must be adjourned and a full public hearing should be scheduled in its place.

The Nation has been consulting on a government-to-government basis with the U.S. Environmental Protection Agency to set high standards of cleanup for the lake. On the "Murphy's Island" site at the mouth of Ley Creek, we have been making progress due to the 2011 Onondaga County resolution. The Nation supports public access to the lake, but there must be a proper cleanup and removal of the toxins. EPA stated this week that this resolution could well have the impact of reducing the level of toxins that will be removed from Murphy's Island.

Wednesday's shocking disclosure that high levels of PCBs will be removed from the backyards of homeowners along Ley Creek illustrates my second point. The affected homeowners were only recently told to not let their children play outside, not to garden, and to wash off their pets after exposure to the soil. In 1987, a

county Health Department letter stated that PCBs were present, and the levels "weren't high enough to be cleaned up." State environmental officials have known since the early 1980s that the soil along Ley Creek is contaminated with PCBs; and yet, today's residents are surprised by the most recent revelations.

Was the public allowed to comment in the 1980s, as to whether they agreed that the levels of PCBs were safe? Were their concerns ignored? Was the discussion of "safe" levels of toxins rushed through with little public participation? Our democracy is stronger when more citizens are involved, informed and listened to.

How many residents around the lake and along Ley Creek will suffer harm because of ineffective state and federal laws that permit hazardous waste to remain? How much contamination is in the lawns and gardens of private homeowners? Will discussions of a swimming beach take into account the mercury and other contaminants that remain in the near-shore sediments as far north as Willow Bay? Dredging did not occur in those areas. Under the current state of affairs, there will always be human risks associated with Onondaga Lake; groundwater treatment systems on the Lake's West Shore must operate in perpetuity; the unlined landfill known as the Salina dump has been consolidated, but the waste remains; the list goes on and on.

The fish in Ley Creek, which migrate to and from Onondaga Lake as well, will never be suitable for human consumption under the current cleanup plans, yet there is no signage in any language around Onondaga Lake or along Ley Creek to let people know this. The NYSDOH also recommends that no Onondaga Lake fish be eaten by women or children, and is currently studying fish consumption by area residents who are consuming high amounts of fish. This is a public health crisis and underscores the need for a far better remedy for all of Onondaga Lake.

People need better and timely information from regulators about the exposure of contamination that remains in our soil and water. Cleanup standards need to be higher, and there must be more waste removed to be actually protective of human health and the environment. Future generations are depending on us.

Joe Heath is general counsel for the Onondaga Nation, and an environmental activist.

Power line

would connect Upstate, NYC Permit process for power line project could take 2 years

04/30/2016

Post-Standard, The

Developers began seeking regulatory approvals last week to build a 260-mile underwater transmission line along the Erie Canal and Hudson River to carry electricity from Upstate nuclear plants, wind farms and other generators to New York City.

The project would cost nearly \$1.5 billion. It would involve burying two 6 inch-diameter cables in trenches at the bottom of the waterways to carry 1,000 megawatts of power between Marcy, near Utica, to a terminus in either Brooklyn or the Bronx.

The developer, Toronto-based OneGrid Corp., plans to finance the project privately and sell capacity on the line to Upstate generators who are eager to move their power to the high-priced Downstate market, said John Douglas, CEO.

Although the proposed Empire State Connector line would be capable of transmitting power in either direction, the plan is to move power south from glutted, low-price markets in Central and Western New York to power-hungry Downstate markets.

That could improve the financial outlook for Upstate nuclear plants and wind farms, which are expected to be important for the success of Gov. Andrew Cuomo's plan to reduce carbon emissions 40 percent by 2030.

"New York is going to need a lot more transmission over the next 10 years to accomplish its climate-change objectives," Douglas said.

Upstate power generators have complained for decades about bottlenecks in the state's high-voltage transmission network. The lack of capacity limits the amount of power flowing south and east from Marcy to New York City, where

demand outstrips supply.

But even if the Empire State Connector project proceeds smoothly, it's at least five years away from operation.

OneGrid Corp. filed a tariff application Monday with the Federal Energy Regulatory Commission, the first step in what is expected to be at least a two-year permitting process. The project would also need approvals from the state Public Service Commission and other agencies.

OneGrid also is just beginning talks with the state Canal Corp. about using the Erie Canal right of way, Douglas said.

If the company can get permits to build, it will take a year just to have the cable built and about two years for installation, Douglas said. OneGrid anticipates the line could go into service in 2021.

Douglas and his partners have done this before. He was a co-founder of Transmission Developers Inc., which planned the 333-mile Champlain Hudson Power Express, an underwater high-voltage line to carry hydro and wind power from the U.S.-Canadian border to New York City.

That \$2.2 billion project, which was acquired by the Blackstone Group investment firm, was first proposed in 2010. It has received all its U.S. permits and is expected to begin construction soon, Douglas said.

Douglas also has developed transmission lines under Lake Erie and in South America.

The Empire State Connector would be a high-voltage direct current line, or HVDC. It would carry DC power, which travels in one direction, unlike the more common alternating current, or AC, which reverses direction periodically.

To transmit DC power within a power grid that is mostly AC power, OneGrid will have to build a large \$200 million converter station at each end of the line. The company has optioned 90 acres of land near the New York Power Authority's giant Marcy substation, within which it could build its Upstate converter station, which would cover about five or six acres.

Underwater DC transmission cables are installed from huge reels aboard ships. The normal method, Douglas said, is to use an underwater robot that jets water to displace sediment at the bottom of the river or lake, creating a trench eight to 10 inches wide into which the cable is laid. The sediment then settles back to the bottom, covering the cable.

The copper lines inside the cables are heavily insulated, Douglas said. If a cable were damaged somehow, the line would stop transmitting power immediately to prevent electrification of the water, he said.

DC transmission lines are growing in popularity for long-distance power transmission, because they are cheaper to build and lose less power along the way than AC lines.

With the projected future growth of wind power, which is produced in rural areas or off-shore locations far from population centers, the number of high-voltage DC lines is expected to double or triple in the coming decade, according to Siemens AG, the German technology company.

As a so-called "merchant" transmission line, the Empire State Connector would not be paid for by utility ratepayers.

OneGrid's proposed line is unrelated to several AC transmission projects that were recently approved by the Public Service Commission, which are also intended to beef up transmission between Upstate and New York City. Those projects, which would be paid for by utility ratepayers, could come online by 2019, PSC officials said.

Douglas said there is enough need for new transmission to support both the AC lines and the proposed Empire State Connector.

Contact Tim Knauss at 470-3023 or by email.

Lead-test aid bill advances in Senate

04/28/2016

Ithaca Journal, The

WASHINGTON - A Senate panel approved bipartisan legislation Thursday that would authorize \$20 million to reimburse schools that test for lead contamination in drinking water.

The lead-related language, authored by New York Sen. Charles Schumer in response to contamination found by the Ithaca School District, is part of the Water Resources Development Act, which the Senate Environment and Public Works Committee approved, 19-1.

The water resources bill, considered must-pass legislation, also would authorize emergency funding for the city of Flint, Mich., where the presence of lead in drinking water has made national headlines.

Even if the bill becomes law, it will only change federal policy and won't provide new funding.

Schumer said in an interview that passing the bill "is the first step in getting good seed money."

"We always intended to fight for this as an appropriations bill," he said. "I think there is a consensus congealing on doing something about lead."

The Ithaca City School District and the Tompkins County Health Department have said lead levels remain high in drinking fountains and classroom sinks at two elementary schools.

The district earlier this year released the results of tests conducted in 2005 that found high lead levels throughout the school system.

Nationally, about 350 schools and daycare centers failed tests for lead in drinking water from 2012 through 2015, according to an analysis of Environmental Protection Agency data by the USA TODAY Network published last month.

The bill approved by the Senate committee Thursday would authorize \$17.5 million to create a national registry to monitor how lead exposure affects children's health.

And it would authorize \$100 million for emergency infrastructure improvements under the Safe Drinking Water Act in communities where the White House has declared a federal public health emergency.

Flint is the only community that would qualify.

Eligible communities in all states would be eligible for part of \$700 million in low-interest loans to finance much-needed upgrades to public drinking water systems through the Water Infrastructure Finance and Innovation Act, according to Democratic Sen. Debbie Stabenow, of Michigan.

Uncle Sam wants you to clean your yard to fight Zika

04/30/2016

Democrat and Chronicle

"Everyone should walk around their yard once a week to see if they have any containers of water."

Claudia Riegel of the New Orleans Mosquito, Termite and Rodent Control Board

Although the Zika epidemic has been declared an international health emergency, fighting the mosquitoes that spread it will be a profoundly local battle.

Ground Zero, in fact, could be your own yard.

Public health officials are calling on homeowners to help control mosquitoes this summer by cleaning up trash and other man-made containers that can collect rain water, where the insects breed.

With no approved vaccines or treatments for Zika, which can cause catastrophic birth defects, experts say the best way to prevent outbreaks is to control the mosquito populations that spread the virus. Some even see mosquito-proofing the yard as a civic duty.

While tipping over bird baths once a week may not seem like heroic work, Joseph Conlon said he hopes Americans will take such mundane maintenance seriously this summer - if not for their own protection, then to prevent mosquitoes from infecting pregnant women.

"We need to make the production of mosquitoes in someone's backyard socially unacceptable, the way smoking is now," said Conlon, technical adviser for the American Mosquito Control Association. "I would like to see a national campaign, along the lines of, 'Don't be a litter bug' or 'Don't drink and drive.' Allowing trash is not just unsightly; it's demonstrably unhealthy."

Homeowners are in a perfect position to control the species that primarily spreads Zika, the *Aedes aegypti*, which prefers to live inside homes, said Michael Doyle, executive director of the Florida Keys Mosquito Control District. The *Aedes aegypti* prefers to rest under beds, inside closets or beneath patio furniture. It may fly only a few feet in its lifetime, emerging from its hiding place only to nip its victim on the legs, then quickly fluttering back to safety.

"Everybody needs to do their part," said Claudia Riegel, director of the New Orleans Mosquito, Termite and Rodent Control Board. "Everyone should walk around their yard once a week to see if they have any containers of water."

With many local mosquito-control programs underfunded and understaffed, cities and counties say they need all the help they can get.

"We cannot do it all ourselves," said Mustapha Debboun, director of mosquito control at Texas' Harris County Public Health and Environmental Services. "We're asking the community to help us."

Although Zika is not yet spreading among local mosquitoes in the continental USA, that could change this summer, if native mosquitoes bite travelers who return with the virus in their blood, said Michael Osterholm, director of the University of Minnesota's Center for Infectious Disease Research and Policy. Zika is already spreading among homegrown mosquitoes in Puerto Rico.

Aedes aegypti are tough to eliminate, said Joseph Conlon, technical adviser for the American Mosquito Control Association.

Females need only a teaspoon of water in which to lay eggs, Conlon said. Mosquitoes will lay eggs in almost anything: a bottle cap, a candy wrapper, the folds of a plastic tarp, discarded tires, children's toys, the seat of a lawn mower.

Female mosquitoes cement their eggs to water-filled containers, just above the water line, with a substance that keeps them from easily washing off, he said. The eggs can survive months of drought, then hatch after the first rain, Conlon said.

The only way to get rid of the eggs is to scrub them off with a brush, Riegel said. Homeowners also can keep fountains free of larvae by filling them with mosquito-eating fish, Doyle said.

In some places, homeowners can be fined. The city commission in Coral Gables, Fla., voted in February to impose fines of up to \$500 a day if people allow their property to become overrun with mosquitoes.

"Everyone should walk around their yard once a week to see if they have any containers of water."

Claudia Riegel of the New Orleans Mosquito, Termite and Rodent Control Board

Study Suggests Aerial Pesticide Spraying Tied to Higher Autism Rates

04/29/2016

Citizen, The

SATURDAY, April 30, 2016 (HealthDay News) -- Children living in an area of New York state that uses aerial pesticides to control mosquitoes have a higher rate of autism than children in neighboring areas, a new study finds.

Researchers found that children living in a swampy region in central New York were 25 percent more likely to have been diagnosed with autism or general developmental delay, compared to children in other parts of the state.

However, the findings do not prove that aerial pesticides raise the risk of autism, stressed lead researcher Dr. Steven Hicks, a pediatrician at Penn State Milton S. Hershey Medical Center, in Hershey, Pa.

"This study really brings up more questions than answers," he said. "We need more research before taking any public action on pesticide use."

One reason for restraint, Hicks noted, is that communities spray for mosquitoes to help prevent potentially severe mosquito-borne diseases, such as West Nile virus.

Still, the study isn't the first to find a possible link between pesticides and autism rates, Hicks said.

He pointed to a study that made the news two years ago. California researchers found that pregnant women who lived within a mile of pesticide-treated crops were slightly more likely to have a child with autism, compared to women who lived farther from the treated fields.

The implicated chemicals in the California study belonged to a group known as pyrethroid pesticides, Hicks noted.

Hicks is scheduled to present findings from the new study Saturday at the annual meeting of the Pediatric Academic Societies, in Baltimore. Findings from meetings are generally viewed as preliminary until published in a peer-reviewed journal.

An estimated one in 68 U.S. children has been diagnosed with an autism spectrum disorder (ASD), according to the U.S. Centers for Disease Control and Prevention.

ASD refers a group of developmental brain disorders that affect children's behavior and the ability to communicate and socialize. Symptoms range widely in severity: Some kids have relatively mild problems with social interactions. Others are unable to speak and focus on a limited number of repetitive behaviors, the CDC says.

Hicks said he and his colleagues were interested in whether the method of applying pyrethroid pesticides might be related to autism rates.

To do so, they looked at autism diagnoses among children at pediatric clinics in two New York state areas: eight zip codes within a swampy area where officials used aerial spraying of pyrethroid pesticides to control mosquitoes, and 16 zip codes that used different methods to apply pesticides, such as using hoses or manually spreading granules.

In the area with aerial spraying, Hicks said, one in 120 children was diagnosed with an autism spectrum disorder or developmental delay. The prevalence in areas without aerial spraying was one in 172, he said.

After the researchers accounted for factors such as local poverty levels and preterm birth rates, children in the zip codes with aerial spraying were still one-quarter more likely to have been diagnosed with an ASD, the study revealed.

"That suggests it's not just the type of pesticide or the timing of exposure, but the mode of application that matters," Hicks said.

However, he stressed, there could be other explanations for the link. And it's not clear whether the children's mothers lived in those zip codes during pregnancy -- a "big limitation" of the study, Hicks said.

Dr. Paul Wang is head of medical research for the nonprofit Autism Speaks. If pesticide exposure contributes to autism risk, it would most likely be during fetal development -- not childhood, he said.

And while a few studies have now found correlations between pesticides and autism risk, that doesn't prove cause-and-effect, Wang said.

It's also unclear whether there is anything special about aerial spraying, Wang pointed out. In this study, zip codes with aerial spraying also had higher levels of total pesticide exposure.

In general, Wang said, experts believe autism arises from an "interplay of genes and environment." Researchers have found a number of genes associated with autism risk, and children with an affected older sibling are at higher-than-average risk.

Hicks made the same point. It's thought that genes make some kids more vulnerable to autism, but they also need to be exposed to certain environmental factors during critical windows of early brain development for the disorder to emerge.

It's not clear what those factors are, but some suspects include prenatal exposure to poor nutrition, certain infections and heavy air pollution, according to Autism Speaks.

For now, Wang suggested that expectant moms focus on good nutrition, regular prenatal care and other steps to help ensure they have as healthy a pregnancy as possible.

More information

Autism Speaks has advice on avoiding toxic exposures during pregnancy.

Shad run gets an early start this year

04/30/2016

Courier News, The

The 35th annual Lambertville Shad Fest celebrates American shad, highlights local art, has live music, shad-poster auction and handcrafted goods.

Shad fed the nation's founders, was nearly wiped out by polluters, came back and now is an annual spring attraction.

Pollution was rampant during the World War II in the Delaware River, but antipollution laws were passed and the water quality started improve in the 1960-70's, and the river and its shad came back.

This year, the shad run started early because of warm weather. Fishermen started to catch shad in March, continued in April, and are still catching them this month.

The 35th annual Lambertville Shad Fest celebrates the American shad, highlights local art, has live music, shad-poster auction, handcrafted goods, many vendors, food trucks and will be open 12:30-5:30 p.m. today, rain or shine.

The Bi-State Shad Tournament paid \$6,000 on Sunday to John Peterson, winner of the sixth annual four-day contest for his 5.846-pounder. There were 350 contestants. The Easton, Pennsylvania, angler narrowly edged out the runner-up, Curt Bloomquist of Phillipsburg, who won \$2,000 for his 5.602-pounder.

Shadman John Punola of Madison said his winning trophies from the old Tri-State Shad Contest in Port Jervis were 8.6 pounds and 8.4 pounds in 1984-85. They paid the winners \$150, but the Tri-State contest was discontinued.

There were bigger shad caught in the 1980s. But now is not then. There are shad in 14 states, and most of the state records were set in the 1980s.

Charles Mower's state record for shad (11 pounds and 1 ounce) used to be the world record. The Hopatcong fisherman set his record in 1984, and the current world record for shad 11-pound 4-ounce was in Connecticut in 1986.

Most shad are 5 years old. The young shad spawned this spring go down the Delaware River in September and spend their life in the sea for five years. A recent Delaware River found 2.1 percent shad were 7 years old, 45.5 percent were 5 and 40.9 percent were 6.

In 1984 Fisheries Biologist Art Lupine said the state record roe shad's examination of the fish's scales revealed that it was 7 years old, yet a first-time spawner. Roe shad are heavier than male shad. Art passed away a few years ago.

Steve Meserve scheduled a demonstration haul of netting shad at 1 p.m. upstream of the Lambertville bridge at Lewis Island at the Shad Fest. Monday through Thursday, his crew netted 22 buck and seven roe shad, in addition to 225 catfish, 22 bass, and other fish. Looks like the Delaware has a lot of catfish.

Upstream-bound shad travel 6 to 14 miles a day in daylight, so if you don't find them, try downstream or upstream locations.

"The Fisherman" turns 50 this month. It's an accomplishment for a fishing newsletter put together by Richard Reina in his Long Island basement and now has magazine editions in New Jersey, New York New England and Delaware. Jim Hutchinson is the editor of the New Jersey edition. The complementary digital edition is thefisherman.com

The 35th annual Lambertville Shad Fest celebrates American shad, highlights local art, has live music, shad-poster auction and handcrafted goods.

Cleaning up a techno-mess

04/30/2016

Courier News, The

With the evolution of electronic devices, most households across the state have equipment that was once innovative but has quickly become antiquated and painfully slow. Disposing of those antiquated devices is not always an easy task, but some government and recycling officials are hoping that will change.

"Some counties have programs, and some don't. There is really no statewide program, which this legislation would require. We want to try to make electronic recycling uniform around the state," said state Sen. Christopher "Kip" Bateman, R-16th District, who along with Sen. Bob Smith, D-17th District, sponsored Senate Bill 981 that calls for revisions to the Electronic Waste Recycling Act. The bill passed the Senate in March. An identical bill, No. 4763, is in the Assembly.

"There's a great deal of electronic waste in the street and in the woods," Bateman said. "The proposed legislation would require the manufacturers to basically recycle their market share in weight."

Bateman said the bill has been around a couple of sessions. Last session, he said, the governor pocket vetoed the bill.

According to the state Department of Environmental Protection, the Electronic Waste Recycling Act, which took effect in 2011, requires manufacturers to set up a free and convenient system for collection of "covered" electronics - TVs, computers, monitors, laptops and e-readers.

In the early years of electronic-waste recycling, manufacturers met their legal obligation to provide "free and convenient" recycling programs for consumers across the state, but in recent years, with the cost of recycling increasing, that has not necessarily been the case.

Each manufacturer has a state-mandated collection goal, but after manufacturers hit their recycling targets, they stop paying recycling companies to handle material, officials say. Municipalities and counties are then faced with halting collections or using public funds to recycle material.

As a result, programs have dwindled, and many New Jersey recycling companies have gone out of business.

In Central Jersey, Somerset and Union counties have maintained their programs, which year over year continue to bring in more tons of materials. Hunterdon County has a limited program, and Middlesex County doesn't have a program currently, while in South Jersey, e-recycling was halted in two counties earlier this year because of the rising costs related to trying to maintaining the programs.

In Somerset, Union

In New Jersey, municipalities and counties are not required to have e-waste recycling programs in place.

Somerset and Union counties have e-waste recycling contracts with Electronic Manufacturers Recycling Management Co. LLC, or MRM.

MRM was founded in 2007 by electronics manufacturers for electronic manufacturers, according to its website. MRM's mission is to bring manufacturers together to help provide convenient, environmentally responsible recycling opportunities to consumers nationwide. MRM provides full service recycling program management services for more than 40 participating manufacturers and retailers. As of Thursday, 649,169,121 pounds of electronics have been recycled by MRM, the website said.

According to Paul McCall, Somerset County's director of public works, the county had a recycling program in place in which residents took their electronics to the vendor for drop-off, McCall said.

"The contract was up, and we went out to bid," McCall said. "The low bidder was MRM."

The program is free of charge to both the county and residents, McCall added. "It's paid for by the manufacturers."

Residents can drop off e-waste weekdays at the North County Public Works Facility, 411 Chimney Rock Road, Building B, Bridgewater, and the South County Public Works Garage, 410 Roycefield Road, Hillsborough. Drop-offs also are typically conducted the first Saturday of the month at the South County Public Works Garage.

"People continue to bring in electronics, and electronics aren't something you find sitting on the side of the road," McCall said. "The first Saturday drop-off, we probably get 300 to 400 cars dropping off electronics."

In 2014, 600 tons of e-waste was collected in Somerset County, and 830 tons was collected in 2015, McCall said.

More information about Somerset County recycling is available at www.co.somerset.nj.us/government/public-works/recycling.

Union County entered into an agreement with MRM in 2010, before the Electronics Manufacturing Recycling Act took effect, said JoAnn Gemenden, chief of the Union County Bureau of Recycling and Planning.

"We already had a program in place, so it was easy for them to partner with us," she said. "They agreed to pay for the recycling of all of the electronic material that Union County collected under their program, and in turn MRM collects the tonnage they need under the law. We still run the program with MRM, and we never incur any costs for 'covered' electronics."

The county does pay a small fee for uncovered electronics, she said.

Gemenden said that many counties were doing e-waste recycling years before the Electronics Manufacturing Recycling Act took effect, but the cost to recycle e-waste has increased.

"We were paying anywhere from 2 cents to 12 cents a pound," she said. "Now it's upwards of 30 cents a pound."

The cost increase is due to several factors, including an increase in the cost to recycle cathode-ray tubes, found in older-model TVs and monitors, Gemenden said.

"There also are less end markets to get rid of it," she said.

Due to the inability to find a manufacturer-sponsored recycling program, some counties have had to amend or close their programs, she said.

Gemenden said Union County-sponsored e-waste recycling programs are popular, and recycling is free to residents.

The county recycled 1,961,551 pounds of covered and uncovered material in 2014 and 2,081,421 pounds of both covered and uncovered material in 2015, she said.

"Fifteen of the 21 municipalities have collection points for their residents," she added.

The county also holds one-day events. An event for Union County residents only will run from 9 a.m. to 1 p.m. May 21 at Alcatel-Lucent, 600 Mountain Ave., New Providence. For information on Union County e-waste recycling, visit <http://ucnj.org/recycling/>.

Costs passed on

In Hunterdon County, e-waste recycling events sponsored by the county are conducted twice a year - in the spring and fall.

Several years ago, the market for e-waste was good, and municipalities were able to generate some revenue from the sale of these materials, said Alan Johnson, the county's district recycling coordinator.

As a result, most of the municipalities in Hunterdon County began some type of collection program, and the county was the last resort.

"It was working as the state law had intended with there not being a cost of disposal for 'covered' electronic devices," he said. "When the market was going well, most municipalities had great programs."

But, he said, things changed.

"Recycling electronic markets were not getting the necessary funding from the electronic companies to carry this out at no cost," he said. "The costs were passed on to municipalities, who got out of the business."

Johnson said one municipality had a market that it dealt with, but it is not returning the town's calls now.

While Hunterdon County doesn't have alternative funding sources for taking on the additional work, it does have access to state grants that are not available to the municipalities.

"This allows us to hopefully weather this storm until the legislation is modified, amended and corrected," he said, adding that it's much more practical and accessible to residents if it's handled at the municipal level.

The county contracts with Newtech Recycling in the Somerset section of Franklin, which handles its recycling.

"We used to take anything with plugs, but because of the increased costs we only take 'covered' electronic devices," he said.

Johnson said the cost to recycle "covered" electronics has skyrocketed in recent months.

"In my opinion, the manufacturers are not living up to their commitments to provide the disposal at no cost," he said.

For information on recycling programs in Hunterdon County, visit www.co.hunterdon.nj.us/recycling.html.

In Middlesex County, the e-waste program ended on Dec. 31, 2014, according to a statement from the Middlesex County Division of Solid Waste Management.

"Between the fall of 2014 and the end of that year, Middlesex County went out to bid three times for a manufacturer-sponsored program for covered electronic devices (CEDs)," the statement said. "Each time the county received either no bids or bids that would charge to recycle the CEDs (those items which the manufacturers are to pay for). These manufacturer-sponsored programs rely on vendors to recycle the materials on behalf of the manufacturer. Manufacturers should assume their responsibility at no cost to the taxpayers."

"By New Jersey State law, manufacturers are required to collect all covered electronic devices - not counties or towns. However, many manufacturers will stop accepting materials after they pass the state's set quota," the statement said.

Some manufacturers work with vendors to collect electronic waste in towns, the statement said, adding that currently, three Middlesex County municipalities - East Brunswick, Woodbridge and Monroe - have manufacturer-sponsored programs for all covered electronic devices, although the programs are only open to residents of those municipalities.

"Middlesex County has and will continue to work closely with our state delegation, especially Sen. Smith, in finding a fair and equitable solution to electronics recycling for our residents," said Freeholder H. James Polos, chair of the County's Public Safety and Health Committee.

"While we work with our state partners, the freeholders urge you to reach out to the DEP and to your state representatives to ask them to pass the legislation and give all of us a way to dispose of our electronics in a safe and environmentally friendly way," Freeholder Director Ronald G. Rios said in a statement.

According to the county's Division of Solid Waste Management, Staples is accepting computer central processing units and laptops at no cost but may not accept computer monitors and does not accept televisions. Best Buy charges a minimum of \$25 per television. Residents are advised to call the store to ensure the item they are disposing of will be accepted. Residents also are directed to the New Jersey Department of Environmental Protection's E-Cycle phone number at 1-866-DEPKNOW. Residents also can call the manufacturer for recycling instructions.

Information on Middlesex County recycling is available at www.mciauth.com/recycleframe.htm. Middlesex County residents may also visit the DEP E-Cycle website: www.nj.gov/dep/dshw/ewaste/index.html. Click on the link that says: "Recycle My Electronics," which brings you to a list of recycling locations for CED's throughout the entire state.

Proposed changes

According to the New Jersey Association of Counties, the proposed legislation, if approved, would make various changes to the state's electronic waste recycling laws, including requiring manufacturers of covered electronic devices to provide for the collection, transportation and recycling of its market share in weight of all covered devices collected in a program year. The requirement would replace the current law's mandate that each manufacturer provide for the collection, transportation and recycling of its "return share in weight" as estimated by the state DEP.

The measure, if approved, also would authorize the DEP to adjust the market share in weight obligation based upon the total weight in pounds actually collected in each program year, change the definition of "consumer" to include state entities, school districts and local government, and add fax machines and printers as covered devices.

The proposed legislation also would allow the DEP to establish a statewide standard program to collect, transport and recycle devices, while streamlining the DEP's planning and reporting requirements.

According to Guy Watson with the DEP's Bureau of Recycling and Hazardous Waste Management, under the Electronic Waste Management Act, in excess of 53 million pounds of "covered" electronic devices are collected in the state each year.

"Manufacturers with a market share that is greater than 0.01 percent are given an obligation," he said. "They are responsible for recycling their market share. They must register and submit a plan. They must tell us who will be handling their recycling."

There are about a dozen recyclers in the state, but by and large they are not part of the manufacturers' recycling programs, Watson said.

Manufacturers are free to choose the recycler they want as long as they are properly certified, he said.

Watson said this year has been difficult.

"A lot of manufacturers have made changes to who they are dealing with - in terms of authorized recyclers - and there has been some disruption," he said. "We have dealing with some of these manufacturers on a daily basis. We have been dealing with the recyclers, and they are adding programs."

There are a lot of manufacturers with a small amount of obligation "that we are chasing every year," he said.

Under the proposed legislation, manufacturers would be assessed a shortfall penalty for noncompliance, he said.

"The fee would be used to pay for the recycling of that material to make sure the material gets recycled and somebody is compensated for it," he said.

Another problem with the current legislation is that manufacturers are given an estimate of how much they must collect. "Once they reach their goal, the collection stops," he said.

Under the proposed legislation, manufacturers would not be able to close their collection locations during the year, Watson said.

Makers' response

Walter Alcorn, vice president for environmental affairs for the Consumer Technology Association, said the recycling issue is twofold.

"Recycling markets are not good," he said. "Commodity prices are down for things like metals and glass, and that puts strain on all the recycling systems. In New Jersey, the fight is primarily about who will control the recycling system. The question is if manufacturers are paying for it, should manufacturers be able to choose the recyclers that they work with or should the state run the program. That's the big fight now with the legislation."

While manufacturers don't like the legislation that has been proposed, Alcorn said "we are willing to and have sat down with stakeholders in New Jersey to try to figure out solutions to some of these problems that have been raised."

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Inside

Central Jersey entrepreneur calls for e-waste reforms. Page 3A

See a video of electronics recycling in action at Newtech Recycling in Franklin on your desktop or mobile device at www.mycentraljersey.com

[Return to Top](#)

Study: US oil field source of global uptick in air pollution

By Michael Biesecker and Matthew Brown, Associated Press

Updated 6:50 am, Monday, May 2, 2016

Time Union

WASHINGTON (AP) — An oil and natural gas field in the western United States is largely responsible for a global uptick of the air pollutant ethane, according to a new study.

The team led by researchers at the University of Michigan found that fossil fuel production at the Bakken Formation in North Dakota and Montana is emitting roughly 2 percent of the ethane detected in the Earth's atmosphere.

Along with its chemical cousin methane, ethane is a hydrocarbon that is a significant component of natural gas. Once in the atmosphere, ethane reacts with sunlight to form ozone, which can trigger asthma attacks and other respiratory problems, especially in children and the elderly. Ethane pollution can also harm agricultural crops. Ozone also ranks as the third-largest contributor to human-caused global warming after carbon dioxide and methane.

"We didn't expect one region to have such a global influence," said Eric Kort, lead author of the study and an assistant professor of climatic science at the University of Michigan in Ann Arbor.

The study was launched after a mountaintop sensor in the European Alps began registering surprising spikes in ethane concentrations in the atmosphere starting in 2010, following decades of declines. The increase, which has continued over the last five years, was noted at the same time new horizontal drilling and hydraulic fracturing techniques were fueling a boom of oil and gas production from previously inaccessible shale rock formations in the United States.

Searching for the source of the ethane, an aircraft from the National Oceanic and Atmospheric Administration in 2014 sampled air from directly overhead and downwind of drilling rigs in the Bakken region. Those measurements showed ethane emissions far higher than what was being reported to the government by oil and gas companies.

The findings solve an atmospheric mystery — where that extra ethane was coming from, said Colm Sweeney, a study co-author from the Cooperative Institute for Research in Environmental Sciences at the University of Colorado in Boulder.

The researchers said other U.S. oil and gas fields, especially the Eagle Ford in Texas, are also likely contributing to the global rise in ethane concentrations. Ethane gets into the air through leaks from drilling rigs, gas storage facilities and pipelines, as well as from intentional venting and gas burnoffs from extraction operations.

"We need to take these regions into account because it could really be impacting air quality in a way that might matter across North America," Kort said.

Helping drive the high emission levels from the Bakken has been the oil field's meteoric growth. Efforts to install and maintain equipment to capture ethane and other volatile gases before they can escape have lagged behind drilling, said North Dakota Environmental Health Chief Dave Glatt.

Glatt's agency has stepped up enforcement efforts in response. Last year, the state purchased a specialized camera that can detect so-called fugitive gas emissions as they escape from uncontained oil storage tanks, leaky pipelines, processing facilities and other sources.

"You're able to see what the naked eye can't and it reveals emissions sources you didn't know where there," Glatt said. "It's a game changer. A lot of the companies thought they were in good shape, and they looked through the camera and saw they weren't."

Regulators at the Environmental Protection Agency were reviewing the study's results. Spokeswoman Laura Allen said Friday that new clean air rules recently announced by the Obama administration to curb climate-warming methane leaks from oil and gas drilling operations should also help address the harmful ethane emissions.

There are other ways ethane gets into the atmosphere — including wildfires and natural seepage from underground gas reserves. But fossil fuel extraction is the dominant source, accounting for roughly 60 to 70 percent of global emissions, according to a 2013 study from researchers at the University of California.

Find a better route for Constitution Pipeline

04/29/2016

Ithaca Journal, The

The flaws were fatal in a proposal to build the 124-mile natural gas Constitution Pipeline across New York.

This is apparent in the notice of permit denial a week ago from the New York State Department of Environmental Conservation.

In its denial, the DEC told the Constitution Pipeline Co. that the applicant "has not supplied sufficient information for the department to be reasonably assured that the state's water quality standards would be met during construction and operation of the proposed pipeline."

The pipeline, as proposed, would disturb 251 streams, 87 of them supporting trout or trout spawning, according to the DEC's denial. Constitution - whose pipeline would go through Broome, Chenango, Delaware and Schoharie counties and into Pennsylvania - has vowed to fight a battle in the courts.

Our stand here is not to support or oppose this particular project, which would get relatively inexpensive natural gas to New York customers. However, we urge both the state and Constitution to figure out other options to install a pipeline.

As the state's denial noted, the DEC "repeatedly asked" Constitution to offer other routes with less effect on water resources. Rather than propose a new right-of-way for the pipeline, the company could have proposed locating on an existing New York Department of Transportation area along Interstate 88.

Major employers in upstate New York and the Southern Tier rely on natural gas. Manufacturers that might be lured to move to other states have said the cost of natural gas is a key expense in making their products.

Don't hobble this region's chance for economic recovery - and the potential for employment growth at existing and new businesses.

Find a way to get the relatively inexpensive natural gas to our industries using a route that will produce the least harm to the environment. And do so quickly.

Smog May Boost Risk for Several Cancers

04/28/2016

Citizen, The

FRIDAY, April 29, 2016 (HealthDay News) -- Long-term exposure to fine particles of air pollution -- from cars, trucks, power plants and manufacturing facilities -- is tied to an increased risk of dying from several kinds of cancer, a new study suggests.

"Air pollution remains a clear, modifiable public health concern," said researcher G. Neil Thomas, a reader in epidemiology at the University of Birmingham in England.

"Put simply, the more of these particulates there are in the air, the greater the risk of getting these cancers," Thomas said, although the study did not prove the particles actually cause cancer.

The study, involving more than 66,000 older residents of Hong Kong, found an increased risk of dying from cancer for even small increases in exposure to these tiny particles of air pollution, which are measured in micrograms per cubic meter (mcg/m³). For example, the overall risk of dying from cancer increased 22 percent with every additional 10 mcg/m³ of exposure, the researchers said.

The raised risk seemed higher for some cancers than others: The additional air pollution was linked to a 42 percent rise in the risk of dying from cancer in the upper digestive tract, and a 35 percent increased risk of dying from liver, bile duct, gall bladder and pancreatic cancer, the researchers said.

Among women, the increased exposure was tied to an 80 percent heightened risk of dying from breast cancer. Among men, the higher pollution levels carried a 36 percent increased risk of dying of lung cancer, the study authors said.

"This study, combined with existing research, suggests that other urban populations may carry the same risks," Thomas said. "The implications for other similar cities around the world are that pollution must be reduced as much and as fast as possible."

Although the role of air pollution in cancer is not fully understood, it could include defects in DNA repair, alterations in the immune response or inflammation that triggers the growth of new blood vessels that allow cancer to spread, Thomas said. In cancer of the digestive organs, heavy metal pollution could also affect gut bacteria and promote development of cancer, he suggested.

In the study, it was not known whether any of the people had cancer before the study began. Researchers followed the residents until 2011. Causes of deaths were provided by Hong Kong death registries.

To gauge the exposure to tiny particles of air pollution, the researchers relied on estimates from satellite data and air quality monitors. The researchers also adjusted their findings for smoking, and excluded deaths that happened up to three years after people were enrolled in the study.

The study findings show how pervasive the harms of air pollution are, two experts said.

"This study adds to a growing body of evidence that air pollution may be associated with cancers other than lung cancer," said Susan Gapstur, vice president for epidemiology at the American Cancer Society.

Ted Brasky, a cancer control researcher at Ohio State University's Comprehensive Cancer Center, said the effect of fine particle air pollution on cancer deaths is probably larger than this study was able to show.

"These data imply that if we were to have less environmental pollution, you would have lower risks of dying from cancer," Brasky said. "Air pollution doesn't just increase the risk for asthma, lung cancer and heart disease, but might also increase the risk of dying from cancer."

Thomas said the solution is simple.

"We should therefore be aiming to limit our exposure, for instance, through legislation to force machine manufacturers, particularly for cars and trucks, into maximizing engine efficiencies that will minimize such particulates in exhaust gases and switching to non-fossil fueled engines," he said.

The study findings were published online April 29 in the journal *Cancer Epidemiology, Biomarkers & Prevention*.

The risk of death from cancer is not the only harm that air pollution has been tied to recently.

A study published April 27 in the journal *Environmental Health Perspectives* found that being exposed to just a small amount of air pollution during pregnancy may raise the risk of a complication that can cause premature birth and long-term health problems in children.

More information

For more on pollution and cancer, visit the American Cancer Society.

[Return to Top](#)

Regulators and environmentalists disagree over the risk from flood-related oil and chemical spills in Texas.

By Marty Schladen

April 30, 2016

El Paso Times

AUSTIN — Scores of photographs taken by state emergency-management officials show that when floodwaters rise in Texas, they inundate oil wells and fracking sites, sweeping crude and noxious chemicals into rivers throughout the Lone Star State.

Most recently, rainbow sheens and caramel plumes can be seen radiating from tipped tanks and flooded production pads during the March flood of the Sabine River, which forms much of the state's boundary with Louisiana. Similar scenes are visible in photos from last year's floods of the Trinity, Red, and Colorado rivers.

But despite apparent evidence that spills have been routine in recent floods, Texas' regulator, the Railroad Commission of Texas, contends that it has responded effectively.

"I'm confident that once the agency is notified, we're taking appropriate measures," Rich Parsons, the commission's communications director, said last week.

Scientists and environmental groups aren't as confident.

"In other areas, cattle that drank the fracking fluid actually died an hour after drinking it. There are potential carcinogens that can lead to leukemia, brain cancer and other endocrine disruptors that can affect premature births."

Walter Tsou

They worry that as floodwaters rage, harmful substances are swept downstream into the environment — and, possibly, drinking-water supplies — before Railroad Commission inspectors can reach the site of the spills.

"They're looking after the fact at what might have happened," said Ken Kramer, water resources chairman of the Lone Star Chapter of the Sierra Club. "Because of that, it's pretty hard to figure out exactly what happened."

It's hard to draw definite conclusions simply by looking at photographs, but after reviewing a few, one expert said the spills could be deadly.

"That's a potential disaster," said Walter Tsou, a physician and past president of the American Public Health Association. He published an article about the possible risks posed by fracking fluids on the website of the Environmental Health Policy Institute, an arm of the group Physicians for Social Responsibility.

"I'm sure it will get into the groundwater and streams and creeks," Tsou said of photos depicting oil plumes and inundated wastewater ponds. "In other areas, cattle that drank the fracking fluid actually died an hour after drinking it. There are potential carcinogens that can lead to leukemia, brain cancer and other endocrine disruptors that can affect premature births. So it is not good to drink fracked wastewater."

A series of photos were shot by the Texas Wing of the Civil Air Patrol when the Texas Department of Public Safety activated the State Operations Center during recent major flooding. The surveillance is directed by the Mid-American Geospatial Information Center at the University of Texas at Austin, which posts photos from recent floods on its website.

As emergency managers identify photographic evidence of flood-related spills, they notify the appropriate state agency, said DPS spokesman Tom Vinger.

“Based on the particular circumstances, agencies that could be notified in a scenario involving a potential spill include the Texas Railroad Commission, the Texas Commission on Environmental Quality or the Texas General Land Office,” Vinger said in an email.

In the case of spills from inland oil-and-gas production sites, the Railroad Commission is the responsible agency, TCEQ spokeswoman Andrea Morrow said.

Once notified of a spill, the Railroad Commission reacts quickly, spokeswoman Ramona Nye said.

“If a release or spill is identified, the agency dispatches an inspector to investigate,” she said. “Alleged violations are documented and appropriate action is taken based on the nature of the alleged violation.”

Despite the many photos of apparent spills in the past three years, Nye did not provide any examples of enforcement actions taken against energy producers whose sites leaked during severe floods.

“It is possible alleged violations could be identified as a result of a severe weather event, but we track and enforce violations based on commission rules, not specific weather events,” Nye said.

“It is possible alleged violations could be identified as a result of a severe weather event, but we track and enforce violations based on commission rules, not specific weather events.”

Railroad Commission Spokeswoman Ramona Nye

In the case of one spill, Nye described her agency’s response.

The photograph was taken June 8 on the Lower Trinity River about six miles northeast of Midway, Texas. It shows a production site with 11 tall, tan tanks. Floodwaters swamped the berm around the pad. Inside, most of the water is black, but as it is it carried away, it swirls in caramel plumes.

Photographs taken just downstream the same day show heavy, dark plumes flowing into and through flooded groves of trees.

A railroad commission inspection report dated July 16 — more than a month after the photos were taken — describes what was done in response to the spill.

Describing the well site itself, the report says, “Free oil picked up and berm was pressure washed. Soil inside firewall is being remediated.”

Referring to a downstream grove of trees, it says, “Remediation of tree-line area of pecan trees near well 700 is finished.”

Contamination questions

The report doesn't mention oil and chemicals that might have washed farther downstream. Nor does it say how much oil or other substances might have left the well site during the flooding.

Of the other photos the Railroad Commission reviewed, it said one — shot during last month's flooding on the Sabine River — was of a leaking facility in Louisiana on the east side of the waterway. Another, showing a brown penumbra around a tank during last year's Red River floods, contained no evidence of an oil spill, Nye said.

"They don't enforce. They don't fine. But they do whine about needing more money from the Legislature."

Despite its assurances, the commission has long been accused of being soft on the industry it's supposed to regulate.

Lon Burnham is a former Democratic state representative from Fort Worth who unsuccessfully sought his party's nomination to an open seat on the three-member commission earlier this year. He said that since the members of the Railroad Commission receive most of their campaign contributions from energy producers, they have little incentive to punish polluters — or even find that they're polluting.

"They don't enforce," Burnham said. "They don't fine. But they do whine about needing more money from the Legislature."

Indeed, a 2015 report by the watchdog group Texans for Public Justice showed that each of the commissioners got more than half of their campaign funding from industry contributors, with Chairman David Porter getting the most — 67 percent.

Texans for Public Justice implied that the funding led the commission to sponsor research claiming that fracking can't be shown to cause earthquakes even though scientists at Southern Methodist University reported that it does.

Despite the criticisms of the commission, spokeswoman Nye insisted that spill prevention is the agency's top job.

"The Railroad Commission of Texas provides direction and oversight in the unlikely event that an environmental cleanup project is necessary. Operators who do not comply with regulations or remediation directives should face enforcement and can lose their permit to operate in Texas."

President of the Texas Oil and Gas Association Todd Staples

"Protection of public safety and our natural resources is the Railroad Commission's highest priority," she said. "The Railroad Commission's oil and gas rules have been effective in carrying out this mission. As stated previously, all operators are required to report any spills in water and contain and clean up such spills in compliance with Railroad Commission rules."

An industry group also said that Texas production sites located within flood plains are safe.

“Oil and natural gas companies utilize the latest technologies to establish and maintain safe operations in any weather condition,” Todd Staples, president of the Texas Oil and Gas Association, said in an email. “The Railroad Commission of Texas provides direction and oversight in the unlikely event that an environmental cleanup project is necessary. Operators who do not comply with regulations or remediation directives should face enforcement and can lose their permit to operate in Texas.”

What appears to be oil runs from a production pad over a nearby field in a March 13 photo shot during Sabine River flooding.

However, some experts aren’t convinced of the safety of the production sites — especially with the profusion in recent years of hydraulic fracturing, or “fracking.” It’s a method in which a stew of chemicals is injected into the ground at high pressures to fracture shale rocks and release natural gas.

The fluid has some toxic substances when it’s injected. When it’s pumped out of the ground it can contain even more.

In a draft assessment released for scientific review last year, the U.S. Environmental Protection Agency said 134 chemicals have been found in the “produced water” that is pumped out of fracking wells.

“These include chemicals added during the chemical mixing stage, as well as naturally occurring organic chemicals and radionuclides, metals, and other constituents of subsurface rock formations mobilized by the hydraulic fracturing process,” the assessment said.

As of early last year, the report said, “there is a lack of published, peer-reviewed epidemiological or toxicological studies that have examined health effects resulting from water contamination due to hydraulic fracturing. However, numerous authors have noted that with the recent increase in hydraulic fracturing operations there may be an increasing potential for significant public health and environmental impacts via ground and surface water contamination.”

Many of the photos shot during Texas’ recent floods show swamped wastewater ponds at fracking sites, presumably allowing wastewater to escape into the environment — and potentially into drinking-water supplies.

Morgan Tingley is a University of Connecticut biologist who studies “global-change ecology.” He was at Princeton University in 2014 when he joined a group of scientists who published a report on the unknown environmental risks posed by fracking, the use of which was then expanding rapidly.

“The truth is, we don’t have a good handle. We don’t know what’s stored on and around fracking pads.”

Morgan Tingley

“The truth is, we don’t have a good handle,” he said in a recent interview. “We don’t know what’s stored on and around fracking pads.”

He added, however, that it’s safe to assume that some of the substances are very harmful to the environment, including heavy salts and naturally occurring radioactive compounds.

A review of a few photos of the Texas spills seemed to confirm the fears Tingley and his colleagues outlined in 2014, he said.

“Two of the most worrisome risks we identified seem to be apparent in these photos,” he said.

Nye was asked if, in light of the many photos of apparent flood-related spills, the Railroad Commission had proposed any new rules for producers to prevent them in the future.

“The commission is constantly reviewing our rules to ensure they provide adequate protection,” she said.

Kramer, the Sierra Club’s water-resources chairman, said that with intense storms predicted to occur more frequently, it’s critical to take preventive steps now.

“We just know they’re going to recur all the time,” he said.

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Texas court blocks Houston from using tougher clean-air laws

By Juan A. Lozano, Associated Press

Updated 1:22 pm, Saturday, April 30, 2016

HOUSTON (AP) — Houston's efforts to use local clean air laws to regulate pollution in the home of the nation's largest petrochemical complex were halted Friday by a Texas Supreme Court ruling in favor of energy and chemical companies that claimed the city had overreached.

The coalition made up of ExxonMobil Corp. and other companies with nearby refineries and plants had sued the nation's fourth-largest city in 2008 after Houston passed ordinances that required businesses to pay registration fees based on the number and type of pollution sources on each site. The city used the fees to investigate potential violations of air pollution laws.

The ordinances also made it unlawful to operate a facility inside Houston unless it was registered with the city. Violations of the ordinances could have been prosecuted in municipal court and were punishable with fines between \$250 and \$2,000 per day.

Attorneys for the city had argued in court documents the ordinances were a local expression of state laws regulating pollution, that they didn't make an "end-run" around state regulations and the lawsuit was hiding the real issue, "which is that industry does not want to be accountable to the people to stay within industry's permitted levels of pollution."

But in a 8-1 ruling against the city, the state's all-Republican high court said the ordinances were inconsistent with the Texas Legislature's intent that favored statewide consistency in enforcement. The Texas Commission on Environmental Quality is the agency in charge of administering the state's environmental laws.

The Supreme Court said the ordinances allowed criminal prosecution without letting the environmental commission determine if a violation had taken place and without allowing the agency to determine if administrative or civil penalties were more appropriate.

"The Legislature has enacted a comprehensive and flexible regulatory regime for investigation into possible violations ... and consistent enforcement of the state's air pollution laws," the high court wrote.

Houston City Attorney Donna Edmundson said in a statement that the ruling would not "dampen the city's efforts to assist the Texas Commission on Environmental Quality in abating air pollution."

"The city will employ other legal mechanisms, including those allowed under the Texas Clean Air Act and Water Code, to monitor and take action against those who pollute the city's air in violation of state and federal air pollution control laws and regulations," Edmundson said.

Evan Young, an attorney for the Business Coalition for Clean Air Appeal Group, said he was pleased with the ruling.

"We think it upholds the integrity of Texas environmental law and reaffirms the important role for clear, even-handed statewide regulation," he said.

If Houston's ordinances had been upheld, it would have created a patchwork of such laws across the state that would have allowed counties or cities to "establish their own priorities and their own determinations of when to try and bring a particular kind of enforcement," Young said.

Adrian Shelley, executive director of Air Alliance Houston, an environmental group that had filed a motion in support of the ordinances, called the ruling "bad news for public health in Houston."

He said the court's decision falls in line with recent actions by the state — including a law last year barring local ordinances that prevent fracking and other oil and natural gas activities that are potentially harmful to the environment — that erode Texas residents' rights to seek environmental and public health protections.

"We don't have enough resources for enforcement and as a result, we have levels of pollution that endanger public health and do not comply with state and federal standards," he said.

Link found between residential radon and blood cancers

04/29/2016

Newsday

Medical scientists have found a statistically significant link between levels of residential radon and risks for several cancers of the blood, particularly in women, say researchers from the American Cancer Society.

Radon, a gas that is the naturally occurring decay product of radium, has been long substantiated as a cause of lung cancer. The cancer society lists it as the second-leading cause of lung cancer in the United States.

Studies to date on radon gas and cancers, such as leukemia, lymphoma and multiple myeloma, have shown inconsistent results. But a statistical analysis of the data from the society's own Cancer Prevention Study-II Nutrition Cohort, which had 140,652 participants, found 3,019 cancers of the blood. They traced the fate of these patients over 19 years of follow-up.

More than 171,000 new cases of hematologic cancer and more than 58,000 deaths are expected in the United States in 2016. These cancers are the most expensive to treat, experts from the society said in a statement Friday. The new research is reported in the online edition of the journal Environmental Research.

The team, led by cancer society epidemiologist Lauren Teras, found that women living in counties with the highest concentrations of radon had a 63 percent higher risk of these cancers compared with women who lived

in counties with the lowest radon levels. Teras and her colleagues also found evidence of a dose-response relationship: the greater the radon concentration, the more likely one of these forms of cancer will occur.

But Teras and her team said even with the new finding, the risk is not worrisome.

"The overall lifetime risk of hematological cancers in the United States is about 2 percent, so even a 60 percent relative increase would still mean a relatively small absolute risk," she said, noting "radon is already associated with lung cancer, and if other studies confirm the link to blood cancers, we think it would warrant strengthened public health efforts to mitigate residential radon risks."

Teras suggested that radon may have an effect on the bone marrow, the site in the body where blood cells are produced. That possibility, however, has yet to be confirmed.

A Newsday review of county radon data from the U.S. Environmental Protection Agency shows that Nassau and Suffolk counties rank among the lowest U.S. jurisdictions for levels of radon gas. The EPA considers a level of 4 picocuries per liter of air safe, and both counties rank below that level. Both counties rank at 3. A picocurie is one-trillionth of a curie, a measurement of radioactivity.

The gas is most prevalent in regions with rich underground stores of certain natural radioactive elements, but there are other sources as well, experts said Friday.

Jarrett James of S.W.A.T. Environmental in East Lansing, Michigan, whose company runs a franchise in East Farmingdale, said radon tends to concentrate in basements. The company eliminates radon in homes. "It's in the soil and actually from the uranium and thorium in the soil. It can permeate through concrete and wood and it doesn't matter if the home is new or old," he said.

The New York State Department of Health has addressed a laundry list of concerns about radon gas in fact sheets on its website. The state confirmed EPA calculations that New York as a whole, and especially on Long Island, is below levels already considered safe.

However, there are radon sources beyond underground stores of uranium. Radon can leach from granite countertops, experts say.

State health authorities say there is no reason for concern because the countertops contain negligible amounts of the element.

Dose rates from granite countertop slabs, according to the health department, would produce about 0.13 picocuries per liter of air, a concentration well below what the EPA considers to be safe.

Message

From: Rodriguez, Elias [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46D8875F24F14400A66635B52A773541-RODRIGUEZ, ELIAS]
Sent: 11/20/2015 3:55:54 PM
To: R2 EPA Region 2 (EPA Staff) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0b426b5295c4874ae24c7ad1f052dd8-R2 EPA Region 2 (EPA Staff)]
Subject: News Coverage (Pesticides Special Edition)

In wake of poisonings, changes to Pesticide Act

DPNR announces plan at conference that was prompted by poisoning of family at Sirenusa

20 Nov 2015

The Virgin Islands Daily News

By ASHLEY MAYRIANNE JONES Daily News Staff

ST. THOMAS— The Department of Planning and Natural Resources has announced plans to promote natural alternatives to toxic pesticides and to draft new applications for commercial and purchase permits related to pesticide application.

The decision came Wednesday during the “Reducing Pesticides in the US Virgin Islands” conference at the Charles W. Turnbull Regional Library, co-hosted by DPNR and the Environmental Protection Agency.

The full-day conference was the first of its kind to take place in the V.I. and more than 100 participants attended, according to EPA Region 2 Administrator Judith Enck.

The focus of the conference was on “integrated pest management,” which saves money, prevents health damage and eliminates the need for pesticides, which quite often don’t work in the first place, Enck said. Integrated pest management focuses on using “common sense” solutions, such as maintaining a clean home and ensuring all windows have bug screens, Enck said.

Sirenusa

The conference was “an offshoot” of the March incident at Sirenusa, in which a family of tourists was poisoned by the illegal use of methyl bromide at Sirenusa in St. John, Gov. Kenneth Mapp said in his opening remarks at the conference.

According to Enck, the two boys — Ryan and Sean Esmond — are still in the hospital, and they and their father, Stephen, are not expected to recover from neurological damage.

“As a mother, I worry about these boys, who once had such bright futures,” Enck said. “Due to this application, their lives are changed forever. We want to make sure this never happens again.”

Enck said the Agency for Toxic Substances and Disease Registry followed up with the other people affected in the Sirenusa incident, and that anyone who was suspected to have been exposed, such as hotel staff and first responders, was followed up on with a one-on-one medical evaluation.

“We wanted to make sure those most immediately affected were taken care of,” Enck said.

Enck said she is awaiting the final report regarding how many people were adversely affected.

Terminix

After the poisoning, DPNR Commissioner Dawn Henry, who had just been appointed to the position, initiated an investigation to find where methyl bromide was being used elsewhere in the territory. The department issued “stop use” orders for everyone who was using methyl bromide, which included commercial and residential applicators, Henry said.

According to Department of Planning and Natural Resources spokesman Jamal Neilsen, while Terminix still has its business license, the applicator, Jose Riveras, had his certification revoked.

According to Enck, the EPA conducted an investigation to find out where the methyl bromide came from and found it had been distributed from Puerto Rico.

“As of today, I can say there is no methyl bromide use in the territory,” Henry said. The canisters containing the chemical were sent back to the manufacturer in Puerto Rico for proper disposal, she said.

Goals for DPNR

DPNR will be working on two goals — revising the Pesticide Act of 2006 and drafting new applications for commercial and purchase permits. Pesticides currently are regulated through DPNR’s Division of Environmental Protection, Henry said.

The updated Pesticide Act would require regulation that further manages professional applicators throughout the territory. A draft is in the works, and will later be available for public comment, Henry said.

Through the current statute, the Division of Environmental Protection is working on a draft application for commercial permits, which would require people who sell pesticides to keep certain records and maintain a database for Department of Planning and Natural Resources to keep track of what is trafficked into and out of the territory.

“The new certification will give us a better picture of what is in the territory,” Henry said.

A draft application for purchase permits, which would ensure users and applicators are properly trained, is also in the works, Henry said.

Professional pesticide applicators currently obtain certification and undergo training through classes at the University of the Virgin Islands, Henry said. Certification is valid for four years.

“The Department of Planning and Natural Resources wants to give applicators better access to key resources and the training they need,” Henry said.

Henry said moreso than setting regulations, the goal of the conference was to educate people about integrated pest management and natural pest management so toxic chemicals don’t need to be used in the first place.

Most of it is common sense: disposing of trash properly; cleaning the counters; and like the traditions of old, sweeping inside, and outside, Henry said. People used to sweep their dirt yards with separate outside brooms, keeping bugs away by maintaining a clean yard, Henry said.

“We have a rich cultural heritage in using alternative methods to manage pesticides,” she said. “I think it’s sometimes necessary for people to know what they are doing is right. All natural, safer alternatives are better for human and environmental health.”

What’s next

Enck said the next initiative will be to extend the integrated pest management conference to St. Croix, especially to discuss the use of agricultural pesticides and the EPA’s revised Worker Protection Standard Act, which is aimed at guarding farm workers against toxic chemicals.

The new federal standards, which EPA had not revised in 20 years, were finalized Nov. 2 and will go into effect in January, Enck said.

According to Enck, there were no age restrictions on who could apply pesticides or common sense preventions, such as ensuring farmers had adequate access to water to dilute the chemical should they be exposed.

Agriculture Commissioner Carlos Robles attended the conference in the afternoon, said Henry, and DPNR and Agriculture will be forming a partnership to develop strategies for more sustainable farming.

“We will be looking towards organic farming as we move forward,” Henry said.

A two-day training collaboration between the EPA, the Puerto Rico Department of Agriculture and DPNR, also is being planned for December.

EPA's New Farmworker Pesticide Standards Leave Unanswered Questions

WSKG NEWS

By MICHELLE FAUST • Nov. 20, 2105

Raucous laughter fills a small communal kitchen as ten men shout and joke with each other in Spanish after a long day of picking apples on an orchard in Orleans County in Western New York. They're playing a game of charades. But instead of pantomiming movie titles or celebrities, the men are acting out symptoms of acute pesticide exposure, which include things like rashes, headaches, vomiting, and eye irritation.

The game is part of a training put on by the Worker Justice Center—a labor advocacy group—to teach workers about pesticide safety and their rights. In person trainings like these will soon be more frequent on farms, now that the EPA has released updated standards for farmworker protection that include requirements for annual training. The update—announced this fall—is the first time the agency has changed its Worker Protection Standards in 23 years.

Regulators and farmworker advocates say the changes to these standards are overdue, but some groups representing farmers object to the change. Both sides see challenges ahead for implementing and enforcing the standards.

The U.S. Environmental Protection Agency estimates that each year there are 10,000 to 20,000 incidents of pesticide poisoning for people work on farms, nurseries, and commercial forest land. Advocacy groups say there may be many more. In addition to symptoms caused by acute exposure, the EPA is concerned that repeated, low level exposure to pesticides may have long-term health effects.

When new regulations kick in early 2017, farmers will be required comply with tightened safety measures. The updated standards include measures such as expanded requirements for no-entry zones to protect workers from pesticide overspray, expanded access to information about pesticides, changes to personal protection equipment standards, a minimum age requirement for working with pesticides (no children under 18), and more.

Training is key to safety

One of the biggest changes is the mandatory annual training—it used to be required every five years. Paola Betchart of the Worker Justice Center explains pesticide exposure is preventable if you know how to protect yourself. The new regulations expand the types of the things workers must learn in training, including instructions to reduce pesticides on work clothing that may come home with them at the end of the work day.

The new standards require an EPA-trained certified trainer to stay in the room after playing training videos to ask and answer questions. This is key, says Betchart.

“The quality of the training is important, because if they just see one video that is very old, some of them they don't get all the full information,” she says.

National farm industry representatives don't believe annual trainings are needed, especially if workers passed training exams in the past. “To me, that seems to be a bit wasteful,” says Daren Coppock, President and CEO of the Agricultural Retailers Association.

He sees it as just another rule that state and federal governments impose on agriculture, straining their businesses in many small ways, what he calls a “death by a thousand cuts.”

But says Judith Enck, EPA administrator for the region that includes New York State, the EPA wants to ensure safety information is top of mind for farmworkers. “Five years is just far too long to remember vital information,” Enck says.

The risk of speaking up

At their recent training, the group of New York apple pickers said they've had symptoms, but aren't sure if they were from allergies or pesticides. Sometimes, they're similar. And they didn't know where to find out which chemicals were used in their fields and what their effects were. (Current EPA standards require that information be available to them.)

An apple picker named Isabel (we've agreed to call her by her first name), recalls a time she and a group of coworkers noticed sprayers working about ten rows away. She says they felt droplets of pesticides sprinkling down on them and later experienced nausea and headaches, but were told the substance wasn't toxic.

But when training or other safety measures are inadequate, it can be hard for farmworkers to do anything about it, for fear of risking their jobs.

"We're afraid that if we speak out, if we say that they treat us poorly, they won't bring us back to the farm," said one man, named Juan who we've agreed to only call by his first name.

EPA's Enck says one goal of the updated standards is to protect against retaliation for whistleblowers.

"You and I are not exposed to pesticides when we show up to work every day, neither should farmworkers. They deserve fair and equitable working conditions," says Enck.

How do you enforce new rules?

Enforcing the EPA's standards is a task left to state agencies. Farmworker advocates claim many states are not doing enough to make sure existing standards are enforced, let alone regulate the new ones.

But agricultural industry groups claim farmers already comply with the law which requires them to follow the instructions on the pesticide's label.

"I'm not sure that a duplicative layer of regulations makes anybody safer. It does increase the paperwork burden," says Coppock.

In New York, where there are 35,500 farms, inspections are done by the Department of Environmental Conservation. In the last fiscal year, the department conducted 22 inspections, found 14 violations, and issued 6 warnings and no fines.

In contrast, California, a state with 76,400 farms, has some of the strictest rules in the country governing pesticides and how they can be used. The California Department of Pesticide Regulation conducts approximately 9,500 field inspections each year.

Charlotte Fadipe, spokesperson for this California agency calls enforcement critical. "Farming, to us, is an outdoor factory, and it does not make sense to have that factory unsafe," she says. "We want to make sure that the workers are safe so we put in place some very, very tough regulations. People sometimes complain that they're too tough, but for us it's about protecting the people who grow our food."

Missing data

Farming industry representatives say the EPA doesn't have enough data to make a case to justify more stringent regulation of pesticide use.

Farmworker advocates agree more data is needed. But it would likely show the need for these regulations and strong enforcement of them, says Amy Liebman, Director of Environmental and Occupational Health for Migrant Clinicians Network.

"We would be able to collect more data if we had the following: One, if we had medical monitoring for pesticide applicators. Two, if we had a national system of reporting and it was a requirement, and three is we would like for clinicians to have more tests available to them."

Still Liebman, who worked on a committee that helped advise the EPA on its updated standards, says they are a step in the right direction. "One of the goals that farmworker advocates have is to make sure at the very least, farmworkers are provided protections that are provided to all other workers in other industries," she says.

EPA and DPNR Aim to Tighten Regulation of Pesticide Use

VI Source

By David Knight Jr. — November 18, 2015

DPNR Commissioner Dawn Henry and EPA Region Two Administrator Judith Enck update the press at a conference on integrated pest management.

Improving regulatory control over the use of pesticides in the territory is a top priority of the Environmental Protection Agency and the V.I. Department of Planning and Natural Resources, officials from both agencies said at a press conference at the Charles W. Turnbull Regional Library on Wednesday.

DPNR Commissioner Dawn Henry and EPA Region Two Administrator Judith Enck met with members of the media as part of a conference on integrated pest management, an industry term meaning nontoxic or less toxic alternatives to pesticides.

The EPA and DPNR's Division of Environmental Protection began organizing the conference in June as a first step in changing the way the territory thinks about pest control.

The potential dangers of pesticides caught the attention of Virgin Islanders in March after a Delaware family vacationing on St. John at Sirenusa condominiums was poisoned by an illegal application of methyl bromide. Three of the four family members have permanent neurological damage as a result of their exposure to the pesticide, Enck said Wednesday. The family's two sons remain in the hospital.

An investigation revealed that the pest control company Terminix applied the methyl bromide at Sirenusa even though the highly toxic fumigant is not authorized for use within residential structures. The EPA restricts the substance's use to a very few situations, none of which are applicable to the V.I.

"There are some limited uses," explained Enck. "For instance, strawberry fields in California, processing of smoked ham in North Carolina. And then the more common usage is in ports – big containers that are shipping flowers and fruits and vegetables – but it's a very controlled setting; it's a quarantined area that is regulated by the U.S. Department of Agriculture. So there are a couple of applications in Puerto Rico, but none in the V.I."

Henry said that since March all methyl bromide canisters, both full and empty, have been removed from the territory.

DPNR is the agency responsible for regulating the use of pesticides locally. The agency contracts the University of the Virgin Islands' Cooperative Extension Service to provide training for pesticide applicators.

Pesticide certification courses continue to be offered by UVI, Henry said, despite reports made earlier in the year that they had ceased due to a potential misuse of grant money. DPNR maintains that a misperception was caused by the fact that the department had delayed payment to the university during the finalization of a contract.

DPNR now wants to expand and strengthen the enforcement of its permitting of pesticide applicators. Henry said the agency has drafted new applications for permits that will be required for the selling and purchasing of restricted-use pesticides.

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Those on the other side of the same transactions, the buyers of pesticides, will need to be permitted by DPNR as well.

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Regulations aren't just being tightened in the V.I., according to Enck. Just a few weeks ago, the EPA finalized new national regulations on worker protection standards that will go into effect in 2017, she said. Those regulations are designed to protect agricultural workers from the effects of pesticides. She said they have not been updated for 20 years.

According to V.I. law, training to certify pest control applicators must include the latest practices and principles of integrated pest management, the subject of Wednesday's conference.

"The whole point of integrated pest management is to get to the root of the problem," said Enck.

This partly means controlling environmental factors that draw pests, rather than eradicating them when they are at the point of infestation, she said.

"If you have a contract with a pesticide applicator where they show up every month on schedule to spray a restricted-use pesticide, that means you're not dealing with the root of the problem because the pest continues to enter."

Enck said the fact that integrated pest management is not only safer and more sustainable, but also less expensive than using pesticides, should encourage people and companies to adopt its principles.

"We really need consumers to pay attention because I think consumers are going to drive the change," she said.

Speaking at Wednesday's conference on integrated pest management were national experts in the field, including Dr. Jody Gangloff-Kaufmann of Cornell University; Timothy Madere, Special Project Manager for the City of New Orleans; Dr. Philip Landrigan of Mount Sinai Hospital; Dr. Perry Sheffield Mount Sinai School of Medicine; Dr. Ruth Etzel, the childrens' health senior advisor to EPA Administrator Gina McCarthy, and EPA senior advisor Claudia Gutierrez.

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Virgin Islands Daily News

By ASHLEY Mayrienne JONES (Daily News Staff)

November 16, 2015

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The conference, which is the first of its kind in the Virgin Islands, is a direct response to the incident in March, in which four members of the Esmond family suffered severe medical complications after being exposed to fumes during their stay at Sirenusa, according to EPA Region 2 Regional Administrator Judith Enck.

According to Enck, three of the four family members suffered "serious neurological damage that they will probably never recover from." The two teenage boys remain in the hospital, she said, and the EPA enforcement case is ongoing.

Enck said that she and V.I. Department of Planning and Natural Resources Commissioner Dawn Henry "are very concerned and we want to make sure this does not happen again," Enck said. "There is a need to educate people."

The full-day conference will focus on integrated pest management as an alternative to toxic pesticides, said Enck, and will feature experts from around the nation.

Integrated pest management involves eliminating the pest problem at its source with preventative measures such as closing screens and cleaning up food residue, rather than reaching for a pesticide as a first option, Enck said.

Alternative measures can be applied to all pests, from termites to rodents, Enck said.

"For instance, in New York, there is a mouse problem. I could put out poison, or I could put out the tried-and-true mousetrap, and avoid using the toxic material," Enck said.

While the conference is geared towards hotels, restaurants and schools, Enck said she encourages the general public to attend the conference as well, even if for only part of the day.

"We are targeted at the hospitality sector because of what happened on St. John, but we want the general public to attend as well," she said.

Most of the time, cutting off the pests' food supply by placing trash bins further away from a building or ensuring counter tops are cleaned will greatly reduce the pest problem, Enck said.

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The conference will feature speeches by Enck, Henry and Gov. Kenneth Mapp.

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Message

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on behalf of Region2 PAD News [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB26E0976985441E8BF28159C4856B58-REGION2 PAD]
Sent: 11/19/2015 2:19:54 PM
To: R2 EPA Region 2 (EPA Staff) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0b426b5295c4874ae24c7ad1f052dd8-R2 EPA Region 2 (EPA Staff)]
Subject: News Clips

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A call to action to address climate change in the Caribbean

Issued : Wednesday, November 18, 2015 11:00 AM

By : ROSARIO FAJARDO

caribbeanbusiness.pr

Amid increasing concerns about the impact of climate change on the Caribbean region, Puerto Rico, the U.S. Virgin Islands (USVI) and the U.S. Environmental Protection Agency have signed a memorandum of understanding "geared at cementing a commitment to share expertise to address climate change in the Caribbean."

Besides sharing research and data, the agreement also includes efforts to reduce carbon emissions in both territories.

Among the climate-related issues that Puerto Rico, the USVI and other Caribbean islands have been facing in recent years include a severe drought, coral bleaching due to warmer seas and an invasion of sargassum seaweed on many beaches.

The agreement was signed during the two-day conference, "Climate change in the Caribbean," which is currently being held in San Juan.

"Climate change is impacting the Caribbean in serious ways, and we can expect more impacts in the future," said EPA Regional Administrator Judith A. Enck. "This region is extremely vulnerable to sea level rise, extreme heat events, hurricanes and drought.... We must act now and act together to address the greatest environmental challenge of our time."

ArcLight emerging as preferred HOVENSA bidder

19 Nov 2015

The Virgin Islands Daily News

By JOY BLACKBURN Senior/Investigative Reporter

The bankruptcy auction for HOVENSA's assets is set to reconvene this morning, after it adjourned Wednesday night without a winning bid selected.

However, a source close to the negotiations indicated on Wednesday that ArcLight Capital Partners may be emerging as the V.I. government's preferred bidder.

The successful bidder in the auction must secure a tax concession agreement with the V.I. government for the sale to close, which gives the government some influence in the selection of the successful bidder to present to the judge — although a number of factors could come into play.

Ultimately, the judge will determine which company offered the "highest and best" bid.

In addition, any proposed concession agreement with the government will have to go before the 31st Legislature for ratification — and also will also have to be approved by the judge.

The sale hearing — during which HOVENSA will seek court approval of the successful bid from the auction, as well as a backup bid — was scheduled for today in U.S. Bankruptcy Court in Delaware.

However, it wasn't clear Wednesday night whether the negotiations and the auction would wrap up in time for today's sale hearing to move forward — or whether it might be rescheduled.

The auction started Nov. 10 in New York City.

In the auction, ArcLight's Limetree Bay Holdings is bidding against Buckeye Partners. Both companies want to purchase the oil storage terminal portion of HOVENSA's assets on St. Croix's South Shore.

On Tuesday, HOVENSA's lawyers told U.S. Bankruptcy Judge Mary Walrath that they were engaging in negotiations with the different parties involved in the bankruptcy case to reach consensus surrounding the proposed sale.

The negotiations — which were touch-and-go on Wednesday — will help determine which bid in the auction is successful and whether it can be presented to the judge without objections.

Also on Wednesday, Gov. Kenneth Mapp mentioned the HOVENSA sale during a press conference at a pesticide forum on St. Thomas.

The governor indicated that negotiations were nearing completion and said he hoped to soon be able to bring the territory a proposed deal that would settle all the outstanding issues surrounding HOVENSA.

Mapp said he couldn't stay at the conference because he had to meet with guests from Venezuela, from the Petroleos de Venezuela "side" of HOVENSA, who had flown to the territory Wednesday morning and would be leaving a few hours later.

Mapp said it was his second round of meetings with Venezuela.

HOVENSA is a joint venture between Hess Oil Virgin Islands Corp., a wholly owned subsidiary of Hess Corporation, and PDVSA V.I., a wholly owned subsidiary of the national oil company of Venezuela, Petroleos de Venezuela.

According to Mapp, the government is trying to "work towards a global settlement on all of the issues surrounding the Hess facility on St. Croix."

There are a variety of outstanding issues between the government, HOVENSA and the company's owners that fall outside of HOVENSA's Chapter 11 case, including a number of tax-related lawsuits that HOVENSA's owners have filed against the government; potential environmental issues at the refinery site; and a civil lawsuit the V.I. government filed against Hess shortly before HOVENSA filed for Chapter 11 bankruptcy protection in September.

"We believe that ultimately we will be coming to the people of the Virgin Islands with a settlement and a business contract that will make each of you very proud that your interests and the interests of the territory have been well represented and that the days of eating crumbs are behind us," Mapp said Wednesday.

EPA proposes tougher air-pollution rule; change would reduce ozone levels in NJ

NOVEMBER 18, 2015

BY JAMES M. O'NEILL

THE RECORD

The Obama administration this week proposed more stringent updates to a rule that stands to cut the amount of power-plant pollution that blows across state lines and causes high levels of ozone and smog in New Jersey and other eastern states.

The updates to the federal cross-state air pollution rule could benefit New Jersey residents, especially those with respiratory illnesses, because ozone exacerbates such health problems.

Monitors in New Jersey recorded 19 days with ozone above the federal health standard this year, including five days recorded by an air monitor in Leonia.

"This update will help protect the health and lives of millions of Americans by reducing exposure to ozone pollution, which is linked to serious public health effects including reduced lung function, asthma, emergency room visits and hospital admissions, and early death from respiratory and cardiovascular causes," said Gina McCarthy, administrator of the federal Environmental Protection Agency, which proposed the changes.

Air pollution experts say New Jersey is at a disadvantage in improving air quality because it lies downwind from many states, such as Pennsylvania and Ohio, that rely heavily on coal- and oil-burning power plants. When these fossil fuels are burned, high levels of nitrogen oxide are released into the air, and can travel hundreds of miles east on prevailing winds into New Jersey.

On warm days, the nitrogen oxide reacts with volatile organic compounds – found in vehicle exhaust – and creates ground level ozone, a component of smog. Some medical experts say breathing in ozone is like getting a sunburn on one's lungs.

Power companies and others within affected industries have argued that the cross-state rule, as well as other Obama administration rules to cut air pollution, would be prohibitively expensive and cost jobs.

According to the EPA, though, by reducing ozone exposure, the proposal would provide health benefits of \$700 million to \$1.2 billion in 2017, compared with estimated costs of \$93 million to companies installing and maintaining pollution control devices.

The cross-state air-pollution rule, finalized in 2011, had not been implemented because of challenges in court by some states that rely heavily on coal and by some power companies. The U.S. Supreme Court upheld the rule in 2014, and a lower federal court later required the EPA to make some adjustments.

Most states are still working on their implementation plans for reducing the various pollutants covered under the rule, including those that create ozone. Some power plants, anticipating the rule's implementation, have been installing equipment to capture the pollutants for some time.

The update sets an even more stringent standard for cutting those ozone-related pollutants than the original cross state rule had.

EPA estimates that the proposed rule update will reduce total nitrogen oxide emissions from 23 states in the eastern part of the country – including those upwind of New Jersey - by 85,000 tons in 2017, compared to projections without the update. The EPA is holding a public hearing in December on the rule and a 45-day public comment period.

Another of the Obama administration's efforts to cut pollution took a hit this week, when the Senate passed a resolution to block the EPA's rule to cut carbon emissions from power plants, part of the administration's Clean Power Plan. The carbon rule was designed to address the effects of climate change, since carbon is a greenhouse gas that keeps heat from escaping the atmosphere. The EPA has said the carbon rule would also help reduce nitrogen-oxide emissions. Obama has vowed to veto any such resolution coming from Congress.

Many coal-dependent states have filed suit to block the carbon-emission rule. Governor Christie has also attacked the plan, saying it punishes states such as New Jersey that have already made significant reductions in carbon emissions.

"The Obama administration's Clean Power Plan is fundamentally flawed and represents an unlawful overreach of authority," Christie said when joining the states' suit last month. "This plan will also burden New Jersey residents with higher electricity costs and it infringes on the state's own authority to oversee its energy future."

BROOKLYN INK

How Newton Creek Got That Way

How did Greenpoint get so toxic? The root of the problem goes back several decades, although it was discovered much more recently.

by Kavya Balaraman

on November 18, 2015

A brief history of contamination in Greenpoint

Late in October, an organization called the Neighbors Allied for Good Growth (NAG) released the beta version of an interactive map of Greenpoint. One of its layers displays polluted and contaminated properties in the neighborhood, and the results are both stunning and disconcerting. Apart from mapping small-scale chemical spills, the map highlights the sheer extent of damage that oil contamination has caused to the neighborhood.

A static image of the map, displaying polluted sites in the neighborhood.

How did Greenpoint get so toxic? The root of the problem goes back several decades, although it was discovered much more recently. One day in 2002, John Lipscomb, the captain of a patrol boat that covered the New York Harbor, decided to take a trip into a waterway that he hadn't visited before. His job, at the time, was to cruise up and down a 185-mile stretch of the harbor looking for pollution concerns to report back to his employer, an organization called Riverkeeper.

Lipscomb had spent more than two years on that beat, but hadn't yet ventured into Newtown Creek, a modest channel that snakes through Greenpoint and empties into the East River. "I saw the waterway on my chart and since I had some extra time, I decided to go in and have a look. I remember seeing around 20 wooden pallets, broken and floating around in the water. And then as I got close to where Apollo Street meets the water, I saw something," he recollected.

As his boat nosed closer to the edge of the creek, he noticed a corrugated bulkhead and a dark pool bubbling around it. "It was one of those yellow plumes you sometimes see around projects where construction is happening in the water," he said. "There was all this black, black crude oil that was all over the water. It was everywhere—I had never seen anything like that before."

Although he didn't know it at the time, Lipscomb had stumbled onto a centuries-old secret tucked deep under Greenpoint's waterways. For the last 140-odd years, oil from multiple refineries located along the northwest corridor of the neighborhood had been seeping into its underground channels and water table. The contamination, while deadly, had gone unnoticed for a long time, bubbling up unexpectedly in certain areas—such as the plume Lipscomb found in Newtown Creek. By the time a team from Riverkeeper came down to investigate it, an estimated 17-30 million gallons of oil had already seeped into the ground, contaminating about 55 acres of property in Greenpoint.

There had been a few red signals before, according to a historical analysis conducted by the Newtown Creek Alliance, a community organization dedicated to cleaning up the water body. For instance, back in 1950, a concrete sewer exploded in Greenpoint, throwing manhole covers three-stories high. Although the story was covered, the cause behind it—namely, the oil coursing under the neighborhood—was never pinpointed. A few decades later a patrol guard noticed an oil plume in the creek, close to Meeker Avenue. This led to some investigation and the beginning of cleanup activities, although progress was slow. To make matters worse, Mobil, one of the companies responsible for the spill, dumped an additional 50,000 gallons of oil into Newtown Creek in 1990. "What was shocking to me that this condition existed, within sight of Manhattan, and yet the few preventive measures in place were so inadequate," said Lipscomb.

Years of legal action, community mobilization, and frantic cleanup efforts later, the oil spill no longer commands the kind of city-wide attention it once did. But with its impressive map, NAG hopes to put the spotlight on the issues in the neighborhood once again. Ward Dennis, a board member of NAG, said that the map was the product of a year and a half of work. "We applied to the New York State Department of Environmental Conservation for a grant to put this together. We knew that with all the development and people coming into the neighborhood, there was an unawareness about these issues. The idea was to get all the information we could and put it out in a way that's accessible and hopefully, understandable to the general public," he said.

The data from the map represents years worth of research and investigation into the extent of contamination within Greenpoint. By the time Riverkeeper began to work on the case, the original petroleum refineries that had leaked the oil had been consolidated and then split up once again. The current owners were identified as ExxonMobil, Chevron/Texaco, and BP. "At that time, the public of Greenpoint was furious. The community felt like it had lost its space – they were upset with the property owners, but they also felt that they weren't being supported by the state agencies that were meant to oversee the pollution clean-ups," Lipscomb recalled.

An estimation of the extent of the spill (source: Riverkeeper)

The team from Riverkeeper began to do whatever they could to bring more attention to the problem. "We organized many patrols—I stopped counting them after five years, because we did hundreds. This was before there were drones, so we used to physically take people out to the area to show them what was happening," said Lipscomb. They were also spending time investigating the causes and effects of the spill and eventually, the team thought they had enough evidence to take ExxonMobil to court.

The case began in 2007, and ExxonMobil soon shut down their recovery wells, reducing the daily extraction of oil by more than 90 percent. It also began the process of cleaning up the groundwater. In 2010, the case was

settled with Exxon agreeing to pay \$25 million in penalties as well as fully clean up traces of the spill within Greenpoint.

The cleanup work is top priority, not least because the contamination can have serious health consequences for people in the area. Dennis explained, "A lot of properties in Greenpoint are being converted from industrial to residential sites, and this involves constructing buildings and digging basements and parking spaces. This can push out contamination, since there are so many underground aquifers and streams. Greenpoint was historically wetland, and there is a possibility that these are contaminated as well. Potentially contaminated sites need to be inspected and remediated if they're going to be livable."

According to the Newtown Creek Alliance's post, the companies in charge of the cleanup don't believe that more than 70 percent of the spillage can be recovered. However, the progress so far has been encouraging to local residents. Leah Rae, the staff writer and media specialist at Riverkeeper, explained that about 12.5 million gallons of crude oil have been recovered already, by pulling up groundwater through pumping wells, cleaning it and then returning it to the creek. "Another thing we're beginning to talk about is returning wildlife to the creek. There are already fish coming back, and we've seen egrets and a few other species as well. Before the work is done, we want to see a portion of the original life that used to be there," she said.

Their optimism is compounded by the fact that there are now several other agencies who are helping with outreach and cleanup efforts, such as the Newtown Creek Alliance and the North Brooklyn Boat Club. There have been more eyes keeping a check on potential polluters. "Last year, a guy who owned a waste oil collection company was caught dumping refuse in the creek. He'd go to gas stations and get the oil they take out of cars, take it back and refine it—the waste would go into the water. Paddlers from the Boat Club found it in a little tributary along the north side of the creek. It was the kind of place I wouldn't have been able to get to in my boat. The community has really come forward," said Lipscomb.

The push to clean up Greenpoint will definitely have to be a long-term effort, but Rae remains confident that the community will continue to support them. "These waterways can't be written off. It's easy to not put any eyes on them, because it's not in our daily routine to pass by them. But we have an incredibly engaged community around here that really, really cares about making things better," she said.

NAG's map could play a huge role in this scenario: By making information about this contamination more accessible, it has the potential to galvanize a larger community around this issue and push for cleaning up Greenpoint once and for all.

Proposed path would put oil pipeline near watershed in Mahwah

NOVEMBER 19, 2015, 8:28 AM

BY SCOTT FALLON

THE RECORD

MIKE DERER

An oil tanker, Eagle Beaumont, is docked on the Arthur Kill waterway in Linden, N.J., with the ConocoPhillips Bayway refinery in background, Tuesday, April 22, 2008.

A company that wants to build an oil pipeline from Albany to Linden filed applications in New York on Wednesday that show the pipeline entering Bergen County in one of the most environmentally sensitive areas of the state.

Although Pilgrim Pipeline has not yet filed for permits in New Jersey, maps accompanying its application in New York show the pipeline moving through the Highlands Preservation Area in Mahwah – an area close enough to drinking water sources that development has been severely curbed. A Pilgrim spokesman said the route is not final and could change during the review process.

The application is the first formal step taken by the start-up company for approval of the controversial project that was announced last year and has generated considerable opposition.

The company wants to build dual underground pipelines that would deliver crude oil 178 miles from Albany possibly to the Bayway Refinery in Linden. It would send refined fuel, like gasoline and heating oil, back to New York, a total of 16.8 million gallons daily.

Pilgrim executives said they expect to file their New Jersey application by year's end.

Pilgrim hopes to build 79 percent of its pipeline along the New York State Thruway's right-of-way. It would veer west away from the Thruway in Orange and Rockland counties before turning southeast and entering Mahwah more than a mile west of Route 287.

The application did not contain any detailed maps of the New Jersey route. But a map of the entire project shows it going through northwest Bergen County, crossing the middle of Passaic County, then into Morris County and eventually east to Union County.

Pilgrim has said its pipeline is a safer alternative to the millions of gallons of oil carried each week through North Jersey by train and barges along the Hudson River.

"We are confident that the Pilgrim Pipeline offers people in New York and New Jersey a way to transport U.S.-produced energy products in a safer, more environmentally friendly, and more efficient manner than the other available options," said George Bochis, a Pilgrim vice president.

But environmentalists say the maps provided by Pilgrim on Wednesday show it's a threat to drinking water.

"You're essentially transferring it from barges to a water source for 5 million people" said Matt Smith, an organizer with the advocacy group Food & Water Watch, adding, "The risks of this pipeline project are obscene."

About three dozen New Jersey towns have formally opposed the project, including Mahwah, Oakland, Ringwood, Pompton Lakes, Wanaque, Bloomingdale, Kinnelon and Pequannock. In addition, freeholder boards in five counties, including Bergen and Passaic have passed resolutions condemning it along with the state Senate and Assembly.

Pilgrim doesn't name the Bayway refinery in its application. The documents said it plans to connect to marine terminals or refineries in and around Linden.

Pilgrim still has no agreement with Phillips 66, the parent company of Bayway. Dennis Nuss, a Phillips 66 spokesman, said Wednesday the pipeline "is currently not a strategic fit."

Pilgrim spokesman Paul Nathanson said he's confident the company will have plenty of customers, but would not elaborate.

POLITICO

New York and New Jersey utility giants battle over power sharing

Jersey City (Anthony Quintano)

By David Giambusso 5:32 a.m. | Nov. 19, 2015

They are the utility titans of New York and New Jersey, but Con Edison and PSE&G are not playing nicely together when it comes to sharing resources.

A complex regulatory battle is underway between the two utilities over costs associated with transmission lines that serve both states. A decades-old power-sharing agreement that has long been the source of consternation between the two utilities is once again at the center of a dispute.

The argument stems from something called a "flywheel," a construct that allows electricity generated in New York state to travel south through PSE&G territory in New Jersey and then back into New York City, where

Con Edison holds dominion. Together the "flywheel" system is good for about 1,000 megawatts shipped from New Jersey to New York.

The agreements, first hashed out in the 1970s between the utilities, essentially put Con Edison on the hook for upgrades and maintenance costs for infrastructure in New Jersey. Those costs are now allocated by PJM, the regional power marketplace for New Jersey and a wide swath of the mid-Atlantic.

Recently, though, PSE&G is seeking to make improvements to two assets that are part of the power-sharing agreement: The Bergen-Linden Corridor transmission line and the Sewaren generating station.

The Bergen-Linden line is due for a \$1.2 billion upgrade, for which Con Edison is on the hook for \$629 million, according to calculations by PJM. Con Edison claims that amount is 12 times what PSE&G is expected to pay. The Sewaren station, which is getting repairs after Hurricane Sandy and beefed-up protections against future storms, will cost Con Edison \$51 million and PSEG nothing, Con Edison claims.

Con Edison is fighting to lower or eliminate those costs.

"We're taking steps to protect the interest of Con Edison's customers while ensuring the company continues to deliver safe and reliable service," utility spokesman Robert McGee said in a statement.

In a filing with the Federal Energy Regulatory Commission, Con Edison said the way PJM calculated the utility's costs was inaccurate. It says that PJM is measuring the flow of power from New Jersey to New York and using that to divide costs between the utilities.

"Con Edison has shown that the Bergen-Linden Corridor ("BLC") Project is intended to provide relief from short circuit conditions, and that the benefits of such relief cannot be measured by measuring flows," utility lawyers wrote in a filing with FERC. "Similarly, Con Edison has shown that the Sewaren Project is intended to provide storm recovery and storm hardening benefits, which likewise cannot be measured by measuring flows."

PSE&G argues that Con Edison is reneging on previously reached agreements and that the planned upgrades will directly benefit Con Edison customers — who will eventually foot the bill.

"The costs of the new transmission projects were allocated to Con Edison and others based on the beneficial use of those upgrades," PSE&G lawyers wrote in a letter to their New York counterparts. "FERC found in approving the allocation to Con Edison, that 'the facilities being upgraded provide essential reliability benefits to Con Edison and New York.'"

Amid the conflict Con Edison says it may not even need the "flywheel" system anymore and when the agreement comes up for renewal it is threatening to abandon the deal.

"Although Con Edison will not decide until April 2016 whether or not to extend the Agreements, we do think it is appropriate to inform you ... that Con Edison's analysis based on currently available information does not demonstrate that the agreements should be extended," utility lawyers wrote in a letter to PJM.

PSE&G responded that, even if that's the case, Con Edison still has to pay up. Moreover, they said not to come knocking on their door if they have transmission needs in the future.

"Con Edison cannot expect to lean on the PJM/PSE&G system in the absence of formal arrangements to do so," PSE&G lawyers wrote, adding later, "A decision by Con Edison not to extend the Agreements would be a dramatic change in the current assumptions used for transmission planning ... and could potentially have significant impacts on the transmission planning needs for northern New Jersey."

FERC is currently weighing Con Edison's complaints.

POLITICO

Albany to New Jersey pipeline takes another step forward

Railroad oil tanker cars are parked at a Global Partners building at the Port of Albany. (AP Photo/Mike Groll, File)TweetShare on Facebook Print

ALBANY — A proposed pipeline that would carry crude oil from Albany to New Jersey moved another step forward on Wednesday.

Developers of the 178-mile Pilgrim pipeline submitted permits in New York with the state Thruway Authority. The pipeline would be two separate, parallel underground lines that would run about 116 miles in New York, following the Thruway right of way, and then through New Jersey to refineries in Linden. The pipeline will flow in both directions, bringing 200,000 barrels of gasoline, diesel, kerosene and home heating oil north every day and the same amount of crude oil to the south. The company is expected to file for permits in New Jersey by the end of the year.

The pipeline would transport about 73 million barrels of oil annually, which is roughly equivalent to the amount of crude now transported along the Hudson River by ship and barge. The pipeline's developers have said it will reduce the need for oil transportation on the river. Pipelines are generally considered the safest method of transporting oil and gas.

"The northeast is an increasingly important part of this new energy dynamic, and residents need to consider how best to transport these products to market," said George Bochis, Pilgrim's vice president for development. "We are confident that the Pilgrim Pipeline offers people in New York and New Jersey a way to transport U.S.-produced energy products in a safer, more environmentally friendly, and more efficient manner than the other available options."

Thruway Authority spokeswoman Jennifer Givner said the state is reviewing the application.

"At this time, no decision has been made about this proposed project," she said in a statement. "Pilgrim Pipeline's application and preliminary Draft Environmental Impact Statement still requires Thruway Authority review and approval prior to initiating the formal environmental review process, which would include scoping sessions and appropriate public review and comment opportunities."

The Department of Environmental Conservation will also review the pipeline application, spokesman Sean Mahar said.

"DEC will participate in the Thruway Authority's coordinated and rigorous review of the project application to ensure that all the potential environmental impacts are adequately identified and addressed," he said.

The pipeline, which needs state and federal approvals, will be met with fierce opposition from environmental and community groups. They argue that pipelines erode property values, pose environmental threats and increase the nation's reliance on fossil fuels at the expense of cleaner, renewable options.

In New Jersey, both houses of the state legislature and communities along the pipeline's route already have passed measures opposing Pilgrim, said Jeff Tittel, director of the New Jersey Sierra Club. He said it will endanger drinking water supplies and protected wilderness areas as well as the people who live along its route.

"Bakken oil is not only the most flammable, it's the most explosive, and no matter how you ship it there will be serious disasters," he said. "Hundreds of citizens have come out to meetings and wrote their officials to oppose this project."

The Department of Environmental Conservation in New York has delayed a decision on water permits needed to begin construction on another project, the Constitution pipeline in the Southern Tier and Schoharie Valley, for about a year. It's unclear when a final decision will be made on that project or how long state officials will take to weigh in on the Pilgrim pipeline. Oversight of pipelines is generally the purview of federal regulators.

Under Gov. Andrew Cuomo, the number of oil trains moving through New York has increased dramatically. Two transportation firms at the Albany port have state permission to move almost three billion gallons of oil annually. The crude comes from the fracking boom in the Bakken shale of North Dakota and Montana. Another pipeline could increase the number of oil trains through New York.

NYT

Ask Well: Is It Safe to Eat Moldy Bread?

By Roni Caryn Rabin

October 29, 2015

Q

Is bread mold dangerous? If a small spot of mold appears on bread, should the whole loaf be avoided?

A

When you see a spot of mold on bread, you are just seeing the tip of the iceberg, so to speak, because mold has long threadlike roots that invade the food “and you might not be able to tell how far it’s gone,” said Marianne H. Gravely, an educator with the United States Department of Agriculture’s Food Safety and Inspection Service.

The U.S.D.A. recommends discarding bread and other baked goods with mold, because the microscopic fungi can cause allergic reactions and respiratory problems in some people. A few molds, under certain conditions, may produce hazardous substances called mycotoxins. The worst of these, aflatoxins, may cause liver cancer and are found primarily in peanuts and corn during harvesting and storage. Their presence is monitored by government agencies.

If you want to preserve some of the bread, Ms. Gravely said, “cut away a big section surrounding the mold with a healthy margin around it to make sure you got all of it.”

But check the whole bread loaf carefully as there may be more mold you haven’t noticed in other spots. Mold is an indication the bread has probably been stored for too long and is “past its prime,” Ms. Gravely said. Foods that are moldy may also have bacteria that are invisible to the naked eye.

The U.S.D.A. generally recommends discarding most foods with mold, the exceptions being hard salami, which can have the mold scrubbed off, and hard cheeses and firm fruits and vegetables, which should have a large section around the mold carved off and discarded. (Molds used in the manufacturing of cheese like Roquefort and Brie are safe to eat.)

Never sniff mold that you see on food – that can lead to respiratory problems if the mold spores are inhaled. Wrap moldy food in a bag or in plastic before throwing it out and discard it in a trash can with a lid. Clean the area where the item was stored and check other food items nearby to see if they have been contaminated, since molds can spread easily through the air or by contact with contaminated foods.

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Message

From: Shore, Berry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CCDB5298240449EBA038932B99491247-SHORE, BERRY]
Sent: 11/17/2015 2:01:48 PM
To: R2 EPA NY NJ PR VI (EPA Staff) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e2c3e9e189324acdbec2489c973c3185-R2 EPA NY NJ PR VI (EPA Staff)]
Subject: Morning Clips

Family's poisoning leads to pesticides conference

By ASHLEY Mayrienne JONES (Daily News Staff)

Published: November 16, 2015

Virgin Islands news

Wednesday, nine months after a family was poisoned by methyl bromide on St. John, the Environmental Protection Agency and Department of Natural Resources will be co-hosting a "Reducing Pesticides in the V.I." conference to educate the hospitality sector on alternative uses for pest management.

The conference, which is the first of its kind in the Virgin Islands, is a direct response to the incident in March, in which four members of the Esmond family suffered severe medical complications after being exposed to fumes during their stay at Sirenusa, according to EPA Region 2 Regional Administrator Judith Enck.

According to Enck, three of the four family members suffered "serious neurological damage that they will probably never recover from." The two teenage boys remain in the hospital, she said, and the EPA enforcement case is ongoing.

Enck said that she and V.I. Department of Planning and Natural Resources Commissioner Dawn Henry "are very concerned and we want to make sure this does not happen again," Enck said. "There is a need to educate people."

The full-day conference will focus on integrated pest management as an alternative to toxic pesticides, said Enck, and will feature experts from around the nation.

Integrated pest management involves eliminating the pest problem at its source with preventative measures such as closing screens and cleaning up food residue, rather than reaching for a pesticide as a first option, Enck said.

Alternative measures can be applied to all pests, from termites to rodents, Enck said.

"For instance, in New York, there is a mouse problem. I could put out poison, or I could put out the tried-and-true mousetrap, and avoid using the toxic material," Enck said.

While the conference is geared towards hotels, restaurants and schools, Enck said she encourages the general public to attend the conference as well, even if for only part of the day.

"We are targeted at the hospitality sector because of what happened on St. John, but we want the general public to attend as well," she said.

Most of the time, cutting off the pests' food supply by placing trash bins further away from a building or ensuring counter tops are cleaned will greatly reduce the pest problem, Enck said.

"You don't want to be a good host for them," Enck said.

The conference will feature speeches by Enck, Henry and Gov. Kenneth Mapp.

Dr. Jody Gongloff-Kaufmann of Cornell University will speak about reducing the use of pesticides in hotels, schools and restaurants, and Timothy Madere, a special projects coordinator for the city of New Orleans, will speak about reducing pesticides in the home.

There also will be a keynote speech by well-respected physician Dr. Philip Landrigan of Mt. Sinai Hospital, who will talk about the harmful health effects of pesticides, and a speech about children's vulnerability to pesticides by Dr. Ruth Etzel, Enck said.

Other speakers include EPA Senior Advisor Claudia Gutierrez, Department of Planning and Natural Resources Director Norman Williams, and Dr. Perry Sheffield from Mount Sinai School of Medicine.

The conference will be held from 8:30 a.m. to 4:30 p.m. Wednesday at the Charles Turnbull Regional Library on St. Thomas, and is free and open to the public. Those interested in attending can register by calling 212-637-5038 or by visiting www.epa-r2-ipm.eventbrite.com.

- Contact Ashley Mayrienne Jones at 714-9130 or ajones@dailynews.vi Although the U.S. Environmental Protection Agency is not currently planning a pesticide reduction conference for St. Croix, the EPA will be taking an active stance in enforcing new safety regulations for agricultural workers, said Region 2 Regional Administrator Judith Enck. The new revisions to the Worker Protection Standard, which were put into effect on Nov. 2, are designed to protect farm workers and stipulate how agricultural pesticides should be managed, she said.

EPA, DPNR To Host Press Conference On Reducing Pesticide Use

November 16, 2015

Virgin Islands Consortium

ST. THOMAS — Department of Planning and Natural Resources Commissioner Dawn Henry announced via press release this afternoon that the department, in collaboration with the U.S. Environmental Protection Agency (EPA), will host a free conference on reducing pesticide use on Wednesday at the Charles W. Turnbull Regional Library here. Governor Kenneth Mapp will also be present, according to a separate press release issued by Government House.

"Pesticides can be extremely toxic to people, and they should be used with extreme caution," said EPA Regional Administrator Judith A. Enck. "By using integrated pest management practices, we can reduce the amount of pesticides in the environment— protecting people from long and short term illnesses."

Commissioner Henry added: "DPNR is proud to host this conference which will allow our local population to take a proactive approach to pest management by eliminating those environmental factors that help pests thrive and when appropriate, utilize more environmental friendly products."

The event is said to begin at 10:45 a.m. at the library, where EPA and government officials will discuss the agencies' partnership, and efforts being taken to reduce pesticide use.

Don't leave pipeline for our grandchildren

BY Pat Roberts

5:38 p.m. EST November 16, 2015

Press and Sun-Bulletin

Gov. Andrew Cuomo is fast becoming one of the strongest defenders of our environment and health as we move from fossil fuels to clean energy.

He began by keeping high-volume horizontal hydrofracking out of the state, a decision that has been reinforced by new information on its harms and risks. Now, the governor has vetoed the proposed natural gas transfer station at Port Ambrose. He said the dangers of a terrorist attack or damage from weather the proportions of Hurricane Sandy were too great.

In Governor Cuomo's latest energy plan, there is a goal to cut greenhouse gas emissions 80 percent by 2050. I won't be here in 2050, but my grandchildren will be. What will also be here if Governor Cuomo doesn't act is an approximately 124-mile pipeline through our state carrying natural gas to transfer stations on the Northeast coast — in other words, to facilities similar to the one he just vetoed for the New York coastline.

The Federal Energy Regulation Commission, or FERC, is in charge of approving this pipeline. Unfortunately, FERC has a history of downplaying the environmental impacts of natural gas production.

In 2012, several groups took FERC to court, saying the commission should have done a more expansive review of environmental impacts of a 39-mile pipeline it had approved that would cross about 100 waterways in Pennsylvania. The Environmental Protection Agency agreed, but the courts did not. A three-judge panel ruled FERC had done a sufficient job, and the larger environmental consequences of the pipeline project did not need to be considered.

Three years later, the EPA, along with the U.S. Fish and Wildlife, the state Attorney General's Office and the Department of Environmental Conservation have all concluded FERC's environmental impact statement for the 124-mile Constitution Pipeline is incomplete. So the project is on hold.

Proponents argue New York needs natural gas, and the Constitution Pipeline will bring it. They ignore the fact that this would be a transmission line traveling through the state like a superhighway with no major on or off ramps.

What is important to me and should be important to Governor Cuomo is that we do not leave behind a giant pipeline that will have provided years of opportunity for greenhouse gas leaks and accidents. The Constitution Pipeline does not fit in with Governor Cuomo's energy plans or his apparent determination to protect our health and environment.

You can tell him to say no to the pipeline and yes to a clear path to clean energy sources by calling (800) 335-2120 or commenting online at documents.dps.ny.gov/public/Comments/PublicComments.aspx?MatterCaseNo=14-m-0101.

Better still, go to the Public Service Commission hearing at 7 p.m. Tuesday.

The Challenges for Volkswagen's Internal Investigation

11/16/2015

New York Times, The

Step 1 in the playbook for a company accused of misconduct is a promise of complete cooperation with the government. Step 2 is the key, because the company must then conduct a thorough internal investigation that will deliver the information necessary to assure regulators and prosecutors that the problem has been dealt with and those responsible have been identified.

It is the second step that seems to be tripping up Volkswagen these days. The automaker is offering a type of amnesty to some of its workers who provide information that the law firm Jones Day needs to respond to multiple inquiries into how vehicles avoided emission standards in the United States and Europe.

Without information that identifies who was responsible and whether senior management was aware of the violations, Volkswagen will be left looking like it was unwilling to fulfill its promise of cooperation. That is almost sure to bring down the wrath of the Justice Department, which identifies complete disclosure of wrongdoing as the cornerstone of its assessment of whether to file criminal charges against a company.

The story out of Volkswagen certainly has shifted since the Environmental Protection Agency issued a notice on Sept. 18 that the company installed a "defeat device" in vehicles equipped with 2-liter diesel engines designed to circumvent emissions tests in violation of the Clean Air Act. A second notice of violations on Nov. 2 covers Porsche and Audi vehicles with a 3-liter diesel engine, which Volkswagen has denied.

Initially, the software used to fool the emissions tests was described as "irregularities" in the resignation statement of its former chief executive, Martin Winterkorn, just a few days after the first E.P.A. charges.

"I am stunned that misconduct on such a scale was possible in the Volkswagen group," he said, implying that it was a conspiracy of a small group of rogue employees.

Michael Horn, the chief of the company's American subsidiary, told Congress a few weeks later that the defeat device was the work of "a couple of software engineers who put this in for whatever reason," an explanation he acknowledged was "very hard to believe."

It turns out that explanation is more than just hard to believe. Volkswagen disclosed recently that it underreported the level of carbon dioxide produced by 800,000 vehicles in Europe, including some with regular gasoline engines, based on information provided by a whistle-blower in the company.

The company's environmental problems seem to be expanding, making it hard to come across as cooperative when it does not appear to have a handle on the extent of the potential misconduct. If Volkswagen has any hope of producing a report from its internal investigation that shows it was cooperative, it needs to shake loose enough information to provide assurances that there are no more problems in how it complied with emission standards and other vehicle reporting requirements.

Thus, the amnesty offer asks employees to step forward to report what they know about violations on the promise that they will not be fired or face damage claims from the company. The program is open only until Nov. 30, and applies to workers covered by a collective bargaining agreement, which leaves out corporate managers.

The question is whether the pressure to provide information will work, and how quickly Volkswagen can put together a report that will satisfy regulators and prosecutors in the United States and Europe.

There is only so much Volkswagen can offer its employees to encourage them to be forthcoming. The letter from Herbert Diess, the chief executive of the Volkswagen division, pointed out that the company could not protect them from criminal charges.

Will they be willing to risk a potential criminal prosecution for their role in the design or installation of a defeat device? A lawyer would probably recommend against making any disclosure because the situation is a form of prisoner's dilemma in which the employees might avoid any negative consequences if everyone stays quiet, even though it could cost the company mightily.

The likelihood of a criminal prosecution is usually less for those in the lower ranks. But there is always the concern about being made into a scapegoat, especially when the company put the blame initially on "a couple of software engineers."

Volkswagen's management made it clear early on that senior officials were unaware of the defeat device. The company's supervisory board emphasized in a statement that Mr. Winterkorn had "no knowledge of the manipulation of the emissions data" before any internal investigation had even started. So in assessing who is more likely to be thrown under the proverbial bus, lower-level employees might not trust that management will be looking out for their interests.

That concern may be compounded by the Justice Department's recent push to force corporations to identify culpable individuals inside the organization as a prerequisite to being considered cooperative in an investigation. A memorandum to federal prosecutors from Sally Q. Yates, the deputy attorney general, issued just nine days before the E.P.A. filed the first notice of Volkswagen's violations, states that "to be eligible for any cooperation credit, corporations must provide the Department all relevant facts about the individuals involved in corporate misconduct" -- with the "any" underlined for emphasis.

Another issue Volkswagen faces is that the whole purpose of the software was to evade the law, so it might be open to question how forthcoming anyone will be about their own role in a cover-up. The problem with inviting wide-scale whistle-blowing is that it can be hard to judge who is telling the truth and who may be settling an old score or trying to gain protection from charges of misconduct by deflecting attention to others.

So for the lawyers at Jones Day conducting the investigation, the challenge will be sorting out the informational wheat from the chaff, which could drag out the process, despite the pressure to explain what happened as quickly as possible.

Even if Volkswagen is successful in getting enough information that it can provide a comprehensive report on how it evaded the law, that alone will not ensure that prosecutors will view the company as fully cooperative. Of late, the Justice Department has emphasized that the strength of a compliance program is an important factor in assessing corporate culpability.

In a recent speech, Leslie R. Caldwell, the assistant attorney general in charge of the criminal division, discussed the hallmarks of an effective compliance program. The first question she identified is, "Does the institution ensure that its directors and senior managers provide strong, explicit and visible support for its corporate compliance policies?"

Answering that affirmatively might be difficult for Volkswagen, given that the use of the defeat device lasted for years and its senior management deny having even the slightest inkling that it had been installed. The amnesty program might be seen as almost a tacit admission that the company did not have anything close to an effective compliance program in place.

For Volkswagen, the appeal to its employees for information may be something of a last-ditch effort to ferret out information needed for a credible internal investigation that will generate at least some credit for cooperation. The company better hope its workers will be forthcoming, otherwise it faces the possibility of being labeled uncooperative, which will raise the price of any resolution of the investigations.

Mennonite Farmers Are Leaving Mexico, and Competition for Water

11/16/2015

New York Times, The

RIVA PALACIO, Mexico -- On the edge of a high plain fringed by craggy sandstone hills, Johan Friesen's small farm is a testament to the rural providence of his Mennonite people.

Neat fields of onion, soybean and yellow corn stretch behind his concrete and adobe house. In the farmyard, a few dozen cows stand in a corral, ready for milking, and a canary-colored reaper awaits repair. But beneath this valley of orderly farms in the center of Chihuahua State, the picture is less than serene, officials and farmers say.

Underground reservoirs have been drained by thirsty crops, like corn, that are the mainstay of the Mennonites' success, they say. Competition for groundwater -- which officials have warned could run out in 20 years -- has strained relations between the pacifist, Low German-speaking Mennonites and other farmers and, on occasion, incited violence.

As California guzzles groundwater and Saudi Arabia rents land in Arizona because its own aquifers are depleted, Chihuahua is a study in the costs of overusing a resource and the tensions that flare as it becomes scarce.

Mexico will go to the global climate change conference, which begins on Nov. 30 in Paris, with one of the world's most ambitious laws for curbing emissions and a keen sense of the effects of a changing climate: severe droughts, erratic rains, floods and hailstorms.

In Chihuahua, nearly a century after the Anabaptist Mennonites migrated from Canada and transformed this valley into a lush carpet of crops, hundreds are trading the land they call home for one where land is cheaper and water is more plentiful.

"People say the water is going to run out," said Mr. Friesen, 44, who in the spring will join 25 Mennonite families who have begun a new colony in central Argentina. "Without water you can't grow anything."

Santa Rita, in Mexico's Mennonite heartland, is a colony of one-story, pitched-roofed homes, clipped lawns and straight roads -- a world away from a typical Mexican village.

On a recent Saturday, perhaps the loudest noise was that of a lawn mower, steered by a young woman wearing a long dress and a straw hat.

For all their good husbandry, though, Mennonite farmers have been prodigal consumers of groundwater, experts said.

"Water has been a source of wealth in Chihuahua, and while that wealth lasts, people are not thinking about how much they are using," said Arturo Puente Gonzalez, an agricultural economist.

Still, it was "very unfair" to blame the region's water problems on the Mennonites, said Kamel Athi Flores, the head of the Chihuahua branch of the National Water Commission, known as Conagua, which regulates supply. He pointed to city dwellers and big non-Mennonite farms that produce apples and pecans -- also thirsty crops.

Cornelius Banman, a farmer from the Manitoba colony, about 50 miles south of Santa Rita, said nobody complained about the pecan farmers because they were of Mexican descent and, unlike Mennonites, who do not vote, had political clout.

"They look on us as foreigners," he said.

The Mennonites live apart in their colonies and rarely marry outside, though they pay workers above-average wages. The most conservative eschew electricity and other devices that would link them to the outside world.

Others use WhatsApp, a messaging application, and research land prices on the Internet, but they discourage distractions like Facebook.

The women speak little Spanish, and children are raised for a "wholesome" rural life, attending Mennonite schools until eighth grade.

The Mennonites began digging wells for irrigation in the 1980s, said Vctor Quintana Silveyra, a sociologist and politician in Chihuahua City who has studied local water use. As their population grew -- they estimate their number at 60,000 -- they used credit from Mennonite banks to buy land in the desert and to install irrigation systems. Since 2000, irrigated land in Chihuahua has doubled, to about 1.3 million acres, and farmers are pumping water at an "exploitative" rate, Mr. Quintana said.

Farmers said wells had to be dug three times deeper today than they were 20 years ago, a process some cannot afford. To slow extraction, the government in 2013 ruled that all new wells require a permit.

"I can see a point, in my lifetime, when the water here is finished," said Lus Armando Portillo, a farmer who is the president of the Technical Committee of Groundwater in Ciudad Cuauhtemoc.

A group of activists known as El Barzn has campaigned to shut down illegal wells and break dams on Mennonite land. Joaquin Solorio, a Barzn activist whose parents had to sell their cattle after their well, next to a Mennonite farm, dried up, said the group had lodged complaints about illegal water use. "It's not just Mennonites," he said.

Defending water rights can be deadly in Chihuahua, where links between organized crime, mining and farming are murky. Alberto Almeida Fernandez, a former politician who protested against illegal wells and against a Canadian mining project, died after he was shot in February. Two other activists, Mr. Solorio's brother and sister-in-law, were killed in 2012. The police have yet to solve the crimes, and members of Barzn -- three of whom have state police escorts -- discard a Mennonite connection. But the deaths have added to tensions.

"You think about buying land, and then you think, 'I don't want problems,' " said Johan Rempel, a leader of the Manitoba colony who is looking for land overseas for about 100 families.

In some ways, the Mennonites' migration is another turn of history. Those who moved to Mexico from Canada had fled persecution in Russia. Over the years, some settled in other parts of Mexico, and conservative groups broke from the Mexican colonies and moved to Bolivia, Paraguay and Belize.

But with younger farmers facing new pressures -- difficulty getting permits for wells, and soaring costs for irrigated land -- some predict that they will look to find land elsewhere.

About 50 of the 300 families in Mr. Friesen's colony, Santa Rita, will move to San Luis Province in Argentina, said Abraham Wiebe Klassen, the head of the colony. Other colonies have looked at land in Russia and Colombia.

The perception that Mennonites are more attached to their culture than to their country irks other farmers.

"Their world is everywhere," Mr. Portillo said. "They arrive, they work the earth and when they need more, they move on."

"This is my land," he added. "My dead lie here. I won't leave."

Abraham Wiebe Wiebe, who was preparing to leave for Argentina with his wife and children, disagreed. "I'm 100 percent Mexican," he said.

Sitting in his kitchen as his wife rolled out cookies, Mr. Wiebe, 49, said he had "lost a lot of sleep" over leaving. "But our children have no future here," he said.

Several Mennonite farmers said they were skeptical that Chihuahua would run dry. Water was God-given, one farmer said, and only God could take it away.

"Doesn't water go in a cycle?" Mr. Wiebe asked. "You pull it from the ground, and then it rains from the sky."

Others are less sanguine. Nicolas Wall, a Mennonite who farms 700 acres of corn with his brother, worries that there will not be enough water for his children to farm.

"I think there'll be an end to it sometime," Mr. Wall said. "But when?"

The real problem lies with the government, farmers and experts said. The water commission is a "den of corruption," Mr. Klassen said, a place where officials take years to process paperwork and sell well permits for thousands of dollars.

Mr. Athi did not deny corruption, but said the problem was "older than Christ."

Mr. Puente said Mexico needed to start a national conversation. People are turning to other energy sources, he said, adding: "But there is no alternative to water. Water is water."

Mr. Friesen will trade such worries for the challenge of starting a new life on the 250 acres he bought in Argentina. Those already there have built some houses and bought cattle, he said. Three babies have been born.

Hard as it would be to leave "the homeland," Mr. Friesen said, his five children would "put down roots" in a new place. Standing in the dairy barn as his wife, Gertruda, milked cows, he smiled.

"We're going to create exactly the same world there that we built here," he said.

NJBPU Continues to Help Advance Energy Efficiency Goals

Actions by the New Jersey Board of Public Utilities today continue to advance Governor Christie's 2011 State Energy Master Plan energy efficiency goals by establishing an LED Surface Lighting Program for state-owned facilities and approving energy-efficiency incentives for a new 54-story, mixed-use residential building currently under construction in Jersey City.

"Today's action demonstrates the Board's continued commitment to implementing the goals and policies of Governor Christie's 2011 State Energy Master Plan in support of the efficient use and conservation of energy," said Richard S. Mroz, president of the N.J. Board of Public Utilities. "Through efforts such as the LED Surface Lighting Program and incorporating the Environmental Defense Fund's Investor Confidence Project protocols into New Jersey's Clean Energy Program, New Jersey continues to be a leader in energy efficiency and improving the environment."

In establishing the LED Surface Lighting Program (LSLP), the board approved initially funding using approximately \$1.8 million in federal funds to install high-energy efficient lighting upgrades at State parking garages and facilities. The first six projects will upgrade inefficient lighting fixtures in parking garages at the State House, Department of Motor Vehicles, Hughes Justice Complex, and the Department of Labor, and inefficient lighting in the Central Distribution Warehouse.

The LED lighting upgrades at the six facilities are expected to result in total estimated annual energy savings of 1,810,194 kwh; saving NJ taxpayers approximately \$199,000 annually. Over the expected life of the equipment, taxpayers are expected to save nearly \$2 million. The program will also comply with all federal regulations, including Buy-American compliance rules. The program will be administered by the State Energy Office within the New Jersey Board of Public Utilities.

The board also approved energy-efficiency incentives, through New Jersey's Clean Energy Program™ (NJCEP) Pay for Performance program, of approximately \$686,731 for Journal Squared I, a new 54-story, 538-apartment, mixed-use residential building currently under construction in Jersey City. The incentives will make possible more than \$1.2 million in upgrades that will result in expected annual energy savings of over \$150,000. Journal Squared Associates, the developer for the project, will receive incentives through a series of three installments and incentive levels are directly linked to the amount of energy savings that will be achieved at the complex.

"For new construction projects greater than 50,000 square feet, the Pay for Performance program provides the resources developers need to take their buildings to the next level of energy efficiency," said President Mroz. "As developers remake the Jersey City skyline, Journal Squared will stand tall as a model in energy efficiency for all of New Jersey."

Kushner Real Estate (KRE) Group designed Journal Squared with energy-efficient features that include high-efficiency water-source heat pumps, LED lighting, window upgrades and occupancy sensors, as well as ENERGY STAR® refrigerators and dishwashers. Low-flow faucets and a high-efficiency central boiler for domestic hot water will also reduce energy consumption by avoiding the use of more than 530,000 gallons of water per year.

"The decision to invest in energy efficiency is one that aligns with both our practical business needs and core philosophy," said Jeremy Kaplan, Chief Operating Officer of the KRE Group. "We take a long-term approach to real estate investment and ownership. As operators, energy consumption is one of our largest on-going

expenses and one we are always trying to manage. As investors, we strive to be positive assets to the neighborhoods where we build. Reducing the long-term environmental impact of our buildings is a way to stay true to that philosophy.”

Pay for Performance incentives are anticipated to offset 59% of the additional cost of the energy-efficiency upgrades. Once the building is occupied, the energy-efficient equipment is expected to save 614,687 kWh of electricity and 4,533 MMBtu of natural gas each year. As a result, energy savings are expected to provide a three-year payback period.

“While we always push for greater energy efficiency, the upfront cost of many of the investments can be a sizable hurdle to overcome,” Kaplan said. “Pay for Performance incentives play a key role in helping to make such long-term investments a reality.”

Journal Squared is a phased development that includes construction of two additional buildings, with the largest currently planned to reach 70-stories tall. The Journal Squared project also includes designs for a new pedestrian plaza at the Journal Square PATH station, retail space and podium parking.

The NJCEP Pay for Performance program incentivizes businesses that take a comprehensive, whole-building approach to saving energy in both new construction as well as existing buildings. Incentives are directly linked to reducing energy use by at least 15 percent.

What Will the U.S. Energy Industry Look Like Over the Next Five Years?

Experts discuss shale’s impact on prices, where OPEC is headed, and other topics

By Lynn Cook

Nov. 15, 2015 10:01 p.m. ET

Low fuel prices and new climate policies are rapidly transforming the American energy sector, while escalating wars in the Middle East and a nuclear deal with Iran are clouding the global oil picture.

To get a sense of what the energy future may hold, The Wall Street Journal reached out to three experts in energy and geopolitics: Amy Myers Jaffe, executive director of energy and sustainability at the University of California, Davis; Sarah Emerson, principal at ESAI Energy and president of Energy Security Analysis Inc.; and Meghan O’Sullivan, the Jeane Kirkpatrick professor of the practice of international affairs and director of the Geopolitics of Energy Project at Harvard University’s Kennedy School of Government. Here are edited excerpts.

One-year outlook

WSJ: What will the U.S. energy industry look like a year from now if low oil and gas prices persist?

MS. O’SULLIVAN: If prices stay low, it is safe to assume overall U.S. production will continue to drop. But you might remember that in past years nearly everyone underestimated how much oil the U.S. would produce and overestimated how fast American output would decline when the price collapsed. This should make us humble about our ability to predict oil production a year from now, even if prices stay low. But investment in new exploration and production will be lower. That delayed spending will bring the oil market back into balance, but has serious implications for the structure of the industry. The oil-field service companies will be forced to make even more severe job cuts, and that is a cause for concern. We know from past downturns that when the price of oil does rise, we have labor shortages and it is tough to find skilled people who can perform those jobs.

MS. JAFFE: The American energy industry has always been surprisingly resilient, so chances are 2016 will be no exception. There are three notable differences at work today, though.

First, shale production is more flexible and can revive quicker should oil prices recover. Second, the rapid growth of solar and wind, combined with energy-efficiency gains for automobiles, means low oil prices may not trigger a big oil demand rebound like we've seen in the past. And third, oil execs see funding fleeing the coal sector as new climate policies kick in and we get less rosy economic outlooks for China and emerging markets. That is prompting some large energy companies to reconsider the viability of their expensive megaprojects that take a long time to build before they produce oil and gas, including drilling in the Arctic, Caspian and some deep-water locations.

MS. EMERSON: Next year is looking like a pivot year. Low oil prices have slashed the profitability of the shale industry. Companies with strong balance sheets are managing better than those that borrowed heavily from banks or that rely on private equity and hedge funds. Stronger companies will consolidate, accumulating better-producing assets, while weaker companies downsize or disappear.

As shale properties become part of stronger, perhaps larger, oil companies, the biggest impact could be a shift away from the mentality of "produce as fast as possible right now." Companies with lots of oil and gas assets in diverse portfolios might think about timing and markets differently.

WSJ: Some say oil prices will be lower for longer because of the resilience of American shale. Do you agree?

MS. JAFFE: Given the sustained surplus of shale gas in the U.S., some executives now worry that the oil surplus may push a rally in prices farther down the road. But American shale oil is only a small percentage of global crude supply. Wars raging across the Middle East mean the kind of cumulative oil-production losses we've already seen from Libya, Syria, Yemen and parts of Iraq—now totaling nearly two million barrels a day—could grow as conflicts widen.

MS. EMERSON: I would add that lower for longer may not look exactly like a flat line. The market could yield a pretty wide trading range, from \$40 to \$70 a barrel over the next few years, all other things being equal. But there is the rub. I don't believe all other things can be held equal. Oil prices will respond to signals from OPEC, namely the return of Iranian oil exports.

How conflict in the Mideast unfolds could have significant repercussions, but it isn't the only place with problems. The possibility of a humanitarian crisis in Venezuela is real and may affect that country's stability and its oil production. Low oil revenues in Nigeria and Angola threaten their stability. It is hard to imagine that political instability or military conflict won't overflow to affect oil flows and prices at some point in the next five years.

MS. O'SULLIVAN: We can't forget the anticipated anemic global growth that is forecast for the next several years. I'd also like to posit that an agreement among producers to cut oil production isn't out of the question. OPEC's obituary has been written prematurely far too many times for me to conclude the cartel is dead.

Saudi Arabia may not be ready to shift its strategy away from its current pursuit of market share by pumping more oil, but if the price stays low, Riyadh's calculations could change. The Saudis could have difficulty sustaining the expensive social programs which underpin the political stability of the regime.

While the Saudis have said they don't intend to cut production unilaterally, they've signaled that a joint production cut could be acceptable. A few more years of low oil prices might soften objections inside and outside OPEC—particularly from Russia—to joining Saudi Arabia in curtailing output.

Growth prospects

WSJ: Given how low oil and gas prices are today, how much can U.S. wind and solar grow over the next five years? What happens to coal and nukes?

MS. JAFFE: In the past four years alone, U.S. solar power generation has more than quadrupled. Last year California became the first state to source 5% of its annual electric generation from utility-scale solar plants. Other states are following suit. Analysts have consistently underestimated the pace of expansion, and solar is likely to gain even stronger momentum.

A Citigroup forecast shows that weaker power demand and rising renewable energy supplies will probably offset the power lost from most coal plants that are shutting down. The solar industry is facing turbulent waters, including an uphill political battle—from entrenched power utilities—to establish fair metering for residential consumers. Still, these problems aren't proving insurmountable.

MS. EMERSON: Wind is increasingly competitive on its own, but most renewable energy requires tax credits or regulation like President Obama's new Clean Power Plan to grow. These supports should lead to significant renewable development.

Even with falling costs and regulatory support, renewables struggle with the same difficulties that plague all U.S. infrastructure development. The existing electric grid was built for the geography of fossil fuels. Wind farms and substantial solar arrays aren't built in congested cities. That means adding renewable energy to the power grid requires building massive transmission lines, which trigger Nimby [not in my backyard] concerns. Five years is the blink of an eye in terms of building anything substantial.

MS. O'SULLIVAN: Coal, nuclear and renewable energies aren't direct substitutes for oil, so cheap oil isn't a competitor [for those resources]. But cheap natural gas is, and consistently low gas prices pose a real economic challenge to nuclear power in particular.

In addition to meeting one-fifth of U.S. electricity demand, nuclear power is essential because it is the largest source of electricity that doesn't produce carbon emissions. It is also what we call "baseload power," which means it doesn't get interrupted the way renewable sources do. The wind isn't always blowing and the sun isn't always shining. Entergy Corp.'s recent decision to shut down its Pilgrim nuclear plant in Massachusetts in 2019 because it cannot compete in a lower gas-and-power price environment suggests it will be hard to reverse the tide against nuclear power in the U.S.

Biggest concerns

WSJ: What keeps you up at night?

MS. O'SULLIVAN: If one is going to lose sleep over potential energy disasters, focus on the growing threat of a cyberattack. Energy is one of the most, if not the most, vulnerable U.S. industries, and it is becoming more exposed as it is modernized. Smart power grids will make our electricity delivery more efficient, but also make the system more exposed to an attack. And as the targets for attack are proliferating, the capabilities of those who want to disrupt the system are also expanding.

The head of the National Security Agency [Adm. Michael Rogers] told Congress there are groups and nations with the capability to shut down our ability to operate infrastructure, including generating power across the country and moving fuel and water. He predicts the U.S. will suffer a traumatic cyberattack on energy infrastructure within a decade.

MS. JAFFE: For decades the energy sector has experienced frequent crises, and they all looked hypercritical at the time: the 1973 oil embargo, the Iranian revolution, Iraq's invasion of Kuwait, the California electricity crisis, the Fukushima nuclear disaster. The list goes on, but markets eventually work it out. If a new oil crisis erupts in the Middle East or Russia, it will be hard to manage. But we have promising technologies that can ease fuel shortages, including rapid shale-oil development, smartphone-assisted ride-sharing, plug-in electric and natural gas-fueled vehicles and virtual office telecommunications.

What's harder to develop is the political consensus to transition to pricing carbon emissions. Right now, climate policy is being implemented piecemeal around the world. That, combined with current low oil and gas prices, has increased the investment risk associated with future energy production. Ironically, as companies spend less on big global energy projects while we're also seeing global oil capacity being destroyed by wars, markets could become undersupplied, which would give us extreme oil price volatility in the coming years.

MS. EMERSON: Energy discourse in the U.S. is often trumped by endless estimates of how many jobs are made (or lost) and what percentage of GDP is created (or destroyed). This simplification of our energy choices into an economic scorecard dumbs down the conversation and exacerbates the political divide.

Can we balance our cultural preference for less-regulated energy markets with enough regulation to bring about safe, long-lasting, climate-friendly prosperity? Take shale development. Our market transparency and resource ownership with access to legal protections have fueled a historic oil rush here. But along the way, methane emissions, water use, earthquakes and oil-train accidents underscore the need for similar state or coherent federal rules. So how do we move forward with climate-intelligent policies and remain internationally competitive? Can we find a way to lead on this issue, or do we hunker down and hope it turns out for the best?

The same goes for our military role. We've been the guarantor of global oil flows for several decades. Should we now fashion an energy future that corresponds to a smaller military and regional rivals like Russia in the Middle East and China in Asia? We used to believe energy and the U.S. role in the world went hand in hand. Now the chimera of American energy independence is encouraging isolationism.

I wonder if we can find the political coherence to make thoughtful energy choices. We need political discourse that allows for balance, because the energy choices we make have short-term and long-term implications for our own well-being, and those beyond our borders.

Ms. Cook is The Wall Street Journal's deputy Texas bureau chief, based in Houston. She can be reached at lynn.cook@wsj.com.

Corporate Managers Back Carbon-Pricing Mechanisms, Survey Says

By Emily Chasan

Nov. 14, 2015

Wall St. Journal

CEOs say putting a price on carbon emissions is the fastest way to push companies to become more environmentally friendly. —Michael Williamson/The Washington Post/Getty Images

Putting a price on carbon emissions is the fastest way to push companies to become more environmentally friendly, corporate executives say.

More than eight in ten chief executives want international leaders to provide a clear roadmap and timeline on future carbon pricing mechanisms at United Nations climate negotiations in Paris next month, according to a NRG Energy Inc. NRG +0.75%, and toolmaker Stanley Black & Decker SWK +1.16%, already use internal carbon pricing, an estimate of what their carbon emissions cost, to help make operating decisions, according to the Carbon Disclosure Project.

But ahead of the negotiations in Paris next month, business leaders, activists, and governments around the world are pressing international leaders to take another look at systems that put a market price on carbon emissions. Carbon pricing or market systems, they say, would give companies a financial incentive to reduce emissions.

Three-quarters of CEOs polled said believe carbon pricing is essential to accelerating corporate actions in this area, according to the survey. Moreover, 84% said they believe sufficient carbon price tags will drive investments in energy efficiency and renewable resources. Still, just 31% said they thought governments need to phase out fossil fuel subsidies to further clean energy efforts.

Europe's experiment in carbon trading – the world's first – is struggling amid drop in oil prices and decline in industrial activity after the financial crisis. The European Union announced in July that it wants to redesign its carbon-trading program and electricity market.

Chinese President Xi Jinping also set up pilot programs to price carbon emissions in seven cities and provinces since 2013, and agreed to launch a national program by 2017 in September.

Write to Emily Chasan at emily.chasan@wsj.com

Investors Want More From Sustainability Reporting, Says Former SEC Head

By Emily Chasan

November 12, 2015

Wall St. Journal

Mary Schapiro, Former Chairman of the US Securities and Exchange Commission. —Agence France-Presse/Getty Images

It's still a challenge for investors to get the information they need on environmental, social and governance issues.

About 75% of the S&P 500 produced sustainability reports in 2015, up from 20% in 2011, according to the Governance & Accountability Institute. But investors who want to use the information say the information they are getting is often difficult to compare between companies and tough to incorporate into forecasts.

"We know investors care about this information," said Mary Schapiro, the former Securities and Exchange Commission Chairman in comments to a Bloomberg Sustainable Business summit in New York Thursday.

Yet she added investors are "highly dissatisfied with the information they are getting today" and "can't really use it effectively for their allocation decisions."

Ms. Schapiro, who also sits on the board of General Electric Co. GE +0.40%, is vice chair of the nonprofit Sustainability Accounting Standards Board, which is writing industry standards for material corporate

sustainability and environmental reporting. The group's aim is to standardize the way companies report sustainability measures that are useful to investors and can be included in annual reports filed with the SEC.

Because companies aren't giving investors the information they most want, many institutional investors send companies lengthy sustainability questionnaires leading to "questionnaire fatigue" in corporate investor relations departments, Ms. Schapiro said.

Groups of institutional investors are increasingly trying to leverage corporate sustainability data, said Bruce Kahn, a portfolio manager at Sustainable Insight Capital Management, during the conference.

"At the end of the day, what we are really looking for is information we can test to see if it has any forecasting power at all," Mr. Kahn said. "If it does have forecasting power then we can act on it," he said.

He and other investors who use sustainability data are most focused on whether they can trust the accuracy of company data and whether they can find recurring sets of sustainability data that would be useful to forecasting.

Investors want "to hold businesses accountable to the promises" they make, Ms. Schapiro said, adding that investors also want to be sure that they can follow up with companies on sustainability goals, such as greenhouse gas emissions or workforce diversity. "Unless we have a mechanism to ensure we have information about whether goals are being met, then we've really only done half the job."

Vast forest fires in Indonesia spawn ecological disaster

By ANDI JATMIKO and NINIEK KARMINI

AP

KAMPAR, Indonesia (AP) — For farmer Achmad Rusli, it was a season of smoke: Ten weeks without sunlight for his oranges, guavas and durians, thanks to deliberately set forest fires that burned a chunk of Indonesia the size of New Jersey.

The fires have finally died down with the arrival of monsoon rains, but too late for his crops, which are far too measly to sell.

"We had not seen the sun in a two-and-a-half months," said Rusli, 34, from Riau province, in eastern Sumatra, among the six hardest-hit provinces. "How can we harvest the fruit?"

The ecological disaster has inflicted a staggering toll on the region's environment, economy and human health: 2.1 million hectares (8,063 square miles) of forests and other land burned, 21 deaths, more than half a million people sickened with respiratory problems and \$9 billion in economic losses, from damaged crops to hundreds of cancelled flights.

Palm oil and paper pulp companies illegally set fire to forests to clear land to plant more trees in the cheapest and fastest way possible. Authorities are investigating more than 300 plantation companies and 83 suspects have been arrested, according to national police chief Gen. Badrodin Haiti. The licenses of three plantation companies have been revoked and those of 11 others have been suspended.

The fires have been an annual problem since the mid-1990s, but this was the worst year since 1997, when blazes spread across nearly 10 million hectares.

Greed is the cause. Herry Purnomo, a scientist at Center for International Forestry Research, said it costs just \$7 to clear a hectare of land by burning, compared to \$150 to do so with tractors. Indonesian law bans clearing land by burning, except by small-scale farmers who are allowed up to 2 hectares.

All told, nearly 50,000 fires were detected since July, according to satellite data, with most on the islands of Sumatra and Borneo. An absence of rain from the El Nino effect made them worse.

The thick haze forced schools to close in neighboring Singapore and Malaysia, and for the first time it reached communities in southern Thailand, where the air pollution index rose to record levels of unhealthiness.

Indonesia's neighbors have grown increasingly critical, though many of the palm-oil companies operating in the country are Singaporean- and Malaysian-owned. And Indonesians endured the worst of the effects.

Syarif, a 46-year-old who like many Indonesians uses a single name, failed to harvest any of his chili peppers and tomatoes, which withered and shriveled on the vine.

"I lost everything... drought and smog has ruined our vegetables," Syarif said. "I have to start again from scratch."

Visibility fell below 50 meters (yards) in some areas, forcing 13 airports around the country to close.

Drone footage taken over smoldering forests showed the charred remains of trees poking through billowing smoke and haze that extended as far as the eye could see. Gray and white patches of ash covered the forest floor.

The haze, resembling a wintry fog, is laced with tiny particles of ash that are particularly harmful to the elderly, children and those with chronic heart and lung conditions. It can lead to respiratory tract infections and pneumonia.

In the six most affected provinces, home to more than 26 million people, hospitals were overwhelmed with 556,945 cases of people with smoke-related respiratory tract issues between July and the end of October — nearly three times the normal rate, according to the health ministry.

In late October, the Pollution Standards Index hit a record high of 3,300 in Central Kalimantan province in Borneo, the giant island Indonesia shares with Malaysia and Brunei. Anything above 300 is deemed hazardous.

Rosita Rossie, a coordinator at Riau's provincial health office, said that when pollution index rose above 300, many clinics and hospitals in the province of 6 million provided 24-hour service, with some sending health workers into remote areas to meet needs there.

The National Disaster Mitigation Agency recorded 21 fire-related fatalities, including burns, pneumonia, asthma and meningitis aggravated by upper respiratory tract infections.

Nearly 20,000 schools had to close in the worst-hit provinces, affecting about 2.4 million students.

The fires also likely killed many endangered or threatened species, including orangutans and Sumatran rhinos, said Rosichon Ubaidilla, an animal taxonomy expert who heads the Zoology Center for Biological Research at the Indonesia Institute of Science.

Researchers and local residents are scrambling to protect the estimated 50,000 wild orangutans that live only on Borneo and Sumatra. The apes must cope with not only the destruction of their habitat but also respiratory problems, said Raffles B. Panjaitan, the Forestry Ministry's director of forest fire control.

The fires have also sent enormous amounts of greenhouse-gas emissions into the air. Much of the forests lost were peatland, which stores a particularly large amount of carbon.

Research by the Center for International Forestry Research, or CIFOR, found that in 2012, forest fires in Riau province alone released between 1.5 billion and 2 billion tons of carbon emissions in just one week — up to 10 percent of Indonesia's total annual emissions, said Sofyan Kurnianto, a scientist with the group and the lead author of the study.

Indonesia's \$9 billion estimate of the damage caused by the fires excludes emissions. Willem Rampangilei, head of the disaster mitigation agency, said tentative number is based on World Bank data from 2013 that focused only on Riau province. The vast majority of the financial losses were in forestry, agriculture and manufacturing.

To fight the fires, Indonesia used everything from helicopters to elephants outfitted with water pumps and hoses. Russia leased two amphibious jets, and Singapore, Malaysia, Australia and Japan also sent aircraft, firefighters or chemicals and experts to help out. More than 30,000 soldiers and firefighting personnel were deployed, and the disaster agency spent \$36.5 million. Ultimately, it was seasonal rains that ended this year's crisis.

President Joko Widodo said he was "ashamed" that authorities failed to prevent the fires. He ordered law-enforcement agencies to punish perpetrators, including revoking forest concessions and blacklisting those responsible.

The government is drafting new regulations to stiffen penalties, reduce haze pollution and avoid forest fires. But the president has also asked for patience in tackling the problem for good, saying Indonesia needs three years to solve it. Malaysia has said that is not fast enough.

TIAA-CREF, U.S. Investment Giant, Accused of Land Grabs in Brazil

By SIMON ROMERONOV. 16, 2015

NY Times

PAULO, Brazil — As an American investment giant that manages the retirement savings of millions of university administrators, public school teachers and others, TIAA-CREF prides itself on upholding socially responsible values, even celebrating its role in drafting United Nations principles for buying farmland that promote transparency, environmental sustainability and respect for land rights.

But documents show that TIAA-CREF's forays into the Brazilian agricultural frontier may have gone in another direction.

The American financial giant and its Brazilian partners have plowed hundreds of millions of dollars into farmland deals in the cerrado, a huge region on the edge of the Amazon rain forest where wooded savannas are being razed to make way for agricultural expansion, fueling environmental concerns.

In a labyrinthine endeavor, the American financial group and its partners amassed vast new holdings of farmland despite a move by Brazil's government in 2010 to effectively ban such large-scale deals by foreigners.

A farm in Mato Grosso State in the cerrado, the vast savanna on the edge of the Amazon rain forest that is being razed for agricultural expansion. Credit Marizilda Cruppe for The New York Times

While the measure thwarted the ambitions of other foreign investors, TIAA-CREF pressed ahead in a part of Brazil rife with land conflicts, exposing the company and its partners to claims that they acquired farms from a shadowy land speculator accused of employing gunmen to snatch land from poor farmers by force.

The documents offer a glimpse into how one of America's largest financial groups took part in what some in the developing world condemn as land grabs. Responding in 2010 to surging international interest in the country's land, Brazil's attorney general significantly limited foreigners from carrying out large-scale farmland acquisitions.

Investors sometimes view such deals as a way to diversify their portfolios. But some government officials and activists contend that they uproot poor farmers, transfer the control of vital food-producing resources to a global elite and destroy farming traditions in exchange for industrial-scale plantations producing food for export.

"I had heard of foreign funds trying to get around Brazilian legislation, but something on this scale is astonishing," said Gerson Teixeira, the president of the Brazilian Association for Agrarian Reform and an adviser to members of Congress, referring to the documents about TIAA-CREF's farmland deals in Brazil.

Some of the findings are in a new report by researchers from Brazil's Social Network for Justice and Human Rights, and Grain, an organization based in Spain that tracks global land purchases.

TIAA-CREF's disclosures show that its farmland holdings in Brazil climbed to 633,391 acres at the start of 2015, up from 257,877 acres in 2012, around the time when it began ramping up deals through a venture formed with Cosan, a Brazilian sugar and biofuels giant.

Stewart Lewack, a spokesman for TIAA-CREF, agreed to review various aspects of the complex structuring of these deals but declined to discuss the farmland acquisitions on the record. He arranged further discussions with executives at Cosan, which is controlled by Rubens Ometto, a billionaire whose family has been in the sugar industry since the 1930s.

"Cosan has a 70-year history managing farmland in Brazil and is committed to high standards of responsible investing through the entities it controls," a spokeswoman for Cosan said in a statement.

The two companies began buying farmland in Brazil in 2008 after forming a venture called Radar Propriedades Agrícolas, 81 percent owned by a TIAA-CREF unit and 19 percent by Cosan. While Cosan tells the Brazilian authorities that it controls the venture through its seats on the board, TIAA-CREF lists Radar among its "majority-owned affiliates."

Then came Brazil's 2010 crackdown on farmland acquisitions by foreigners, which unfolded at a time of growing resource nationalism here, highlighted by efforts to assert greater control over the energy industry.

In agriculture, the shift involved limiting the sale of farmland to foreigners to about 12,000 acres, barring them from owning more than 25 percent of the land in any municipality and putting limits on the Brazilian subsidiaries of foreign groups.

"These moves slammed the brakes on foreign investment in Brazilian land," said Kory Melby, an American who advises investors in Brazilian agriculture.

But instead of scaling back, TIAA-CREF intensified its acquisitions of Brazilian farmland, focusing largely on a frontier in the northeast states of Maranhão and Piauí. In 2012, the company started a global fund focused on buying farmland in Brazil, Australia and the United States, drawing investment from Swedish and Canadian pension funds.

As international interest in its land surged, Brazil in 2010 limited the large-scale acquisition of farmland by foreigners. Credit Marizilda Cruppe for The New York Times

José Minaya, a TIAA-CREF executive overseeing the group's farmland holdings, defends such investments, saying they are a way to acquire a "finite resource" at a time of growing global food demand.

"Brazil offers us diversification by crop and by climate," Mr. Minaya told investors in a video about buying farmland in Latin America's largest country.

Because of the 2010 limits on foreign investment, TIAA-CREF and its Brazilian partners created a financial venture to buy farmland. The American group holds a 49 percent stake, with Cosan holding 51 percent, according to Brazilian regulatory filings.

While the new venture appears on paper to be a separate company, in practice it seems to be largely indistinguishable from the previous one. They share many of the same employees and senior executives, who work out of offices on Avenida Juscelino Kubitschek here in São Paulo, according to people familiar with the operations.

Moreover, the financing for the farmland acquisitions come largely from TIAA-CREF subsidiaries in a type of loan that can be converted into stock, according to regulatory filings. The researchers at Grain argue that this corporate structure makes it possible for TIAA-CREF to conceal the control it exercises over the farms acquired.

"They can say what they want about control, but the issue is that" these structures "have only been created to serve the purpose of channeling funds from TIAA-CREF into Brazilian farmland," said Devlin Kuyek, a senior researcher at Grain.

In a statement, Cosan disputed that view. "In all its acquisitions," the venture "strictly follows the legislation in effect," the company said.

Activists do not accuse TIAA-CREF and Cosan of stripping away the forested savannas themselves. Instead, they say the companies bought land that had already been cleared and obtained by speculators who may have used ruthless tactics.

Grain's report tracks how TIAA-CREF and Cosan appear to have acquired several farms controlled by Euclides de Carli, a shadowy business figure described by Brazilian legislators, scholars and uprooted farmers as one of the most powerful "grileiros," or land grabbers, in the states of Maranhão and Piauí.

Grileiros, a term that roughly translates as "cricketeers," are known for their bureaucratic sleight-of-hand, fabricating land titles by placing them in insect-filled bins to make them seem antique. Some grileiros also force people off their land in a variety of ways, including intimidating land-rights activists and even killing poor farmers.

In Mr. de Carli's case, Brazilian scholars have described how he pushed dozens of families off their farms, using tactics like destroying crops and burning down the home of a community leader. A prominent legislator in Maranhão has also accused Mr. de Carli of orchestrating the killing of a rural laborer over a land dispute.

Mr. de Carli, who has been the focus of official investigations into his land purchases, did not respond to requests for comment. In a statement, Cosan acknowledged that its venture with TIAA-CREF had bought farmland controlled by Mr. de Carli, but insisted that an exhaustive review at the federal, state and municipal levels had not found "any criminal suit in the name of Mr. Euclides de Carli."

"The evaluation conducted," Cosan said, "needs to observe official documents and information that ground the safety of the acquisition."

But prosecutors familiar with Mr. de Carli still expressed surprise that prominent investors would pursue such deals when a simple Internet search reveals a long list of illegal land-grabbing accusations against Mr. de Carli.

"Euclides de Carli is one of the principal grileiros of Brazil's agricultural frontier," said Lindonjonson Gonçalves de Sousa, a prosecutor who has investigated Mr. de Carli's land deals. "It should be no secret to anyone that he figures prominently in the land conflicts of the region."

New Jersey ban on using oysters to clean waterways to remain under new rules

By SCOTT FALLON

November 16, 2015, 5:31 PM

Last updated: Monday, November 16, 2015, 5:31 PM

New Jersey's ban on using oysters to naturally clean up waterways like the Hackensack River will essentially remain in effect under new rules issued Monday by the Christie Administration.

Despite a recent push in the Legislature to lift the ban, environmental advocates said the new rules make it virtually impossible to return their oyster reefs to state waters.

Oysters have been used to help clean some of the nation's most well-known bodies of water and wetlands from Chesapeake Bay to the Everglades by removing heavy metals and other contaminants.

The ban was enacted five years ago amid concerns that these oysters could get into the food supply and irreparably harm the state's \$790 million commercial shell-fishing industry. Oyster reefs were removed from the lower Hackensack River and Raritan Bay. Advocates have said their oysters are too small to be of value to poachers.

A bill sponsored by Sen. Gerald Cardinale, R-Demarest, looked to return the oyster reefs to state waters. Although the Senate unanimously passed the bill in September, amendments pushed by the Christie administration were added shortly before the vote stating any oyster reef would have to adhere to state Department of Environmental Protection rules.

Among the rules issued Monday is one that requires owners of these oyster reefs to provide round-the-clock surveillance and patrol. Debbie Mans, director of the NY/NJ Baykeeper that established the reef in Raritan Bay, said that requirement is impossible to satisfy.

DEP Commissioner Bob Martin said the 194-page document, which deals with all aspects of the state's shellfish industry, is designed to give people "confidence that the shellfish they consume from New Jersey is as safe and fresh as possible."

After the ban took place, Mans' group established an oyster reef in Navy-patrolled waters near Sandy Hook.

The Hackensack Riverkeeper advocacy group has also expressed interest in reestablishing its oyster bed that it had created in partnership with Rutgers University. It was similarly removed in 2010.

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Gambling the World Economy on Climate: The emission-cut pledges will cost \$1 trillion a year and avert warming of less than one degree by 2100.

By Bjorn Lomborg

Nov. 16, 2015 7:10 p.m. ET

Wall St. Journal

The United Nations climate conference in Paris starting Nov. 30 will get under way when most minds in the French capital will still understandably be on the recent terror attacks. But for many of the 40,000 attendees, the goal is to ensure that climate change stays on the global economic agenda for the next 15 years.

The Paris conference is the culmination of many such gatherings and is expected to produce agreements on combating climate change. President Obama and the dozens of other world leaders planning to be in Paris should think carefully about the economic impact—in particular the staggering costs—of the measures they are contemplating.

The U.N.'s climate chief, Christiana Figueres, says openly that the aim of the talks is "to change the economic development model that has been reigning for at least 150 years, since the industrial revolution." That outlook will be welcome among attendees like the delegation from Bolivia. That country's official material submitted for the talks proposes a "lasting solution" for climate change: "We must destroy capitalism."

Editorial Board Member Joe Rago on why the November confab is likely to fail, and why developed countries have better solutions to limit greenhouse gas emissions. Photo credit: Getty Images.

Perhaps capitalism as "a system of death" is a minority view, but the agreements coming out of Paris are likely to see countries that have flourished with capitalism willingly compromising their future prosperity in the name of climate change. But before ditching that economic model, it's worth considering how much progress it has brought.

For one, life expectancy in the past 150 years has more than doubled, to 71 years in 2013 from fewer than 30 years in 1870. Meanwhile, billions of people have risen out of poverty. One and a half centuries ago, more than 75% of the world's population lived in extreme poverty, consuming less than \$1 a day, in 1985 money. This year the World Bank expects extreme poverty to fall below 10% for the first time in history.

It is telling that U.N. officials provide no estimated costs for an economic transformation. But one can make an unofficial tally by adding up the costs of Paris promises for 2016-30 submitted by the U.S., European Union, Mexico and China, which together account for about 80% of the globe's pledged emissions reductions.

There is no official cost estimate for Mr. Obama's promise to cut U.S. greenhouse gas emissions 26%-28% below 2005 levels by 2025. However, the peer-reviewed Stanford Energy Modeling Forum has run more than a hundred scenarios for greenhouse-gas reductions and the costs to gross domestic product. Taking this data and performing a regression analysis across the reductions shows that hitting the 26%-28% target would reduce GDP between \$154 billion and \$172 billion annually.

The EU says it will cut emissions 40% below 1990 levels by 2030. Again, there is no official estimate of the cost given, which is extraordinary. The data from the Stanford Energy Modeling Forum suggests hitting that target would reduce the EU's GDP by 1.6% in 2030, or €287 billion in 2010 money.

Mexico has put into place the strongest climate legislation of any developing country, conditionally promising to cut greenhouse-gas and black-carbon emissions by 40% below the current trend line by 2030. The Mexican government estimates that cutting emissions in half by 2050 will cost between \$6 billion and \$33 billion in 2005 money, but that is many times too low. Peer-reviewed literature, supported by the U.S. Environmental Protection Agency and the EU, suggests that by 2030 the cost would already reach 4.5% of GDP, or \$80 billion in 2005 money.

China has promised by 2030 to reduce its carbon-dioxide emissions, per unit of GDP, to at least 60% below 2005. Using the data from the Asia Modeling Exercise we find that hitting this target will cost at least \$200 billion a year.

So in total, the Paris promises of the EU, Mexico, U.S. and China will diminish the economy at least \$730 billion a year by 2030—and that is in an ideal world, where politicians consistently reduce emissions in the most effective ways.

Experience tells us that won't happen. For instance, policy makers could have chipped away at emissions efficiently with modest taxes on carbon, or by switching electrical generation to natural gas. Instead many countries, including the U.S. and those in the EU, have poured money into phenomenally inefficient subsidies for solar and biofuels, which politicians go for like catnip. The EU's 20/20 climate policy—the goal, embarked upon in 2010, to cut emissions 20% from 1990 levels by 2020—is the clearest example of such gross inefficiency.

A 2009 study of the targets, published in *Energy Economics*, estimated that “inefficiencies in policy lead to a cost that is 100-125% too high.” It's likely that in the future even more money will be wasted propping up green energy that is both unaffordable and inefficient.

Another 127 nations have made promises for Paris that increase the total emissions cuts by one-fourth. The cuts on the table in Paris, then, will leave the global economy, in rough terms, \$1 trillion short every year for the rest of the century—and that's if the politicians do everything right. If not, the real cost could double.

All of these high-flown promises will fail to accomplish anything substantial to rein in climate change. At best, the emissions cuts pledged in Paris will prevent a total temperature rise by 2100 of only 0.306 degrees Fahrenheit, according to a peer-reviewed study I recently published in *Global Policy*.

If nations formalize their planned carbon cuts in Paris and then stick to them, Ms. Figueres's economic transformation will indeed happen: But it won't be a transformation to be proud of.

Mr. Lomborg, president of the Copenhagen Consensus Center, is the author of “The Skeptical Environmentalist” (Cambridge Press, 2001) and “Cool It” (Knopf, 2007).

Medal of Freedom List: Barbra Streisand, Stephen Spielberg, Willie Mays, More

Nov. 16, 2015

Wall St. Journal

The White House announced this year's recipients of the Presidential Medal of Freedom, the country's highest civilian honor. The honorees include politicians, activists, athletes and entertainers, among others.

"From public servants who helped us meet defining challenges of our time to artists who expanded our imaginations, from leaders who have made our union more perfect to athletes who have inspired millions of fans, these men and women have enriched our lives and helped define our shared experience as Americans," said President Barack Obama in a statement.

Here is the list of who will be awarded the Presidential Medal of Freedom, followed by brief bios, as released by the White House:

William Ruckelshaus

William D. Ruckelshaus is a dedicated public servant who has worked tirelessly to protect public health and combat global challenges like climate change. As the first and fifth Administrator of the Environmental Protection Agency, under Presidents Nixon and Reagan, he not only shaped the guiding principles of the agency, but also worked diligently to bring the public into the decision making process. Among the EPA's key early achievements under his leadership was a nationwide ban on the pesticide DDT and an agreement with the automobile industry to require catalytic converters, which significantly reduced automobile pollution. He also demonstrated his commitment to public service and integrity as Deputy Attorney General. During the Watergate crisis, Ruckelshaus and Attorney General Elliot Richardson chose to resign rather than fire the Watergate special prosecutor. Their principled stance was a pivotal moment for the Justice Department and galvanized public opinion for upholding the rule of law. He continues to advance his legacy of collaborative problem solving in his current role at the University of Washington and Washington State University.

Message

From: Johnson, Valencia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=89E7FF30880945FDA14BEFE02DC83C38-JOHNSON, VALENCIA]
Sent: 8/18/2015 1:38:32 PM
To: R2 EPA Region 2 (EPA Staff) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0b426b5295c4874ae24c7ad1f052dd8-R2 EPA Region 2 (EPA Staff)]
Subject: Early Morning News Clips

Woodcliff Lake weighs a plastic bag ban

August 18, 2015

The Record

The Borough Council has introduced an ordinance that would ban stores from using plastic bags for customer purchases.

The ordinance would require retailers to provide reusable bags, including compostable plastic bags and paper bags.

"The fact of the matter is, a plastic bag takes 1,000 years to degrade in a landfill," Mayor Jeffrey Goldsmith said. "I know I won't be here in 1,000 years ... but we have to have the foresight to do what is right in the long term."

A public hearing on the ordinance will take place at the council meeting on Sept. 8, when it is expected to be voted on for adoption.

Retailers that continue to give out plastic bags would be subject to fines issued by the borough's Health Department, according to the ordinance — a maximum fine of \$100 for a first offense and a maximum fine of \$200 for a second offense. Each subsequent violation would be punished with a fine of up to \$500.

The ban would go into effect six months after adoption for supermarkets and one year after adoption for pharmacies and other stores.

"What can't go in a paper bag?" Goldsmith said. "It's important for us to make a statement to future generations. This just makes sense. I believe that if this passes, other municipalities will see what we do, examine it, and see what makes sense for their communities."

Other Bergen County towns are also considering bans on plastic bags.

This month, the Paramus Environmental Commission urged the Borough Council to pass a plastic bag ban. An employee in the Borough Clerk's office said the council has yet to take action.

In April, a Girl Scout troop in Teaneck presented a petition with more than 200 signatures to the Township Council in support of a plastic bag ban. Issa Abbasi, the acting township clerk, said the council is still considering the proposal.

Plastic bag laws are being introduced on the state level as well. In February 2014, a bill sponsored by Assemblyman John McKeon, D-Morris, that would decrease, and eventually ban, the use of non-compostable plastic bags was referred to committee.

In the same month, a bill was introduced in both the state Senate and Assembly that would require stores to start in-house recycling programs where customers could return clean plastic bags. That bill was also referred to committees in both houses of the Legislature.

AAA falls short with penalties for wasting water

August 18, 2015

Primerahora

The agency has received 1,453 complaints since July 1 by misuse of water, but only 56 cases have resulted in violations.

The Aqueduct and Sewer Authority (AAA) has issued 56 fines through administrative order regulates the use of potable water for the dry season.

Violations result in \$ 21.500 in fines, of which \$ 11.250 were issued at \$ 10.250 business accounts and residential accounts.

The director of the Metro Region AAA, Roberto Martinez, said that although they have received 1,453 complaints and confidences between July 1 and August 5, most have failed to be processed for various reasons ranging from lack of jurisdiction, to incomplete information from the person generating the complaint.

"Many complaints simply do not apply. Another (reason) is proved to be a leak, in others it is theft of water and those out of here and go to another process. It also happens to be the place and the time we got nothing and other information is incomplete and cannot come," said the official to mention that most of the complaints have been registered in the San Juan Metro area.

The order, however, applies to 48 of the 78 municipalities on the island.

Although the number of tickets issued seems minimal, Martinez believes that the result was positive.

Rather than looking at a number, observe the change in behavior that have made some to preserve the resource she said.

"It definitely works. It has been very positive. Since it was discussed this June 16 will have received 1,863 complaints (410 of them during the grace period), which means that if the public works and see what is happening," he said.

"At one point, the beginning of the rationing plan one saw how they washed shelters, cars and tickets and is now very little is seen with the naked eye," he added.

The document authorizes employees of AAA, Fire, Police, the Department of Natural Resources, the State Agency for Emergency Management and the Municipal Police to intervene with people who hosed impervious areas, gardens watered with a hose or systems irrigation or to fill swimming pools, among other practices, within a certain time.

The fines are \$ 250 for residential customers and \$ 750 for companies, industries and public agencies.

Between 16 and 30 June, prior to the entry into force of the order period, the AAA issued more than 40 fines complimentary.

In those weeks 388 complaints were received and, just as has happened since July 1, most are related to the use of hose or pressure equipment in certain areas cleaning and filling swimming pools.

Martinez explained that 41% of the fines have been issued by hosing or pressure equipment, 27% for car washing, filling 13% of pools and tanks, 5% by flushing indiscriminately and the remaining 14% is divided between improper irrigation, plumbing defects and water use for recreational purposes.

Will it be amended?

The official did not rule out the possibility of expanding the number of municipalities to which the limits apply water use in the future.

At the time, the order applies to 48 municipalities that are within the watershed of some of the lakes were declared under severe drought conditions, or that are located in the area where municipalities are served in the rationing plan, as Vega Alta, Vega Baja, Arecibo and Barceloneta.

In recent weeks it has expanded the number of people who are under drought conditions at low precipitation.

Adjuntas and Las Marias are the only two municipalities that are not included in a category of crisis, according to the latest Drought Monitor report.

See also: Carraízo increases 31 centimeters

The administrative order provides that for the president of the AAA may alter or modify the geographic area prohibited activities, it must first advertise in two newspapers of general circulation.

The granting of fines join other like the racionamiento- imposed to achieve savings in the resort.

"Definitely they work. The reductions we need, but remains a problem at the moment is going to return the service ... the system takes to retrieve and tanks remain a proliferation ". on the brink.

Paramus asked to minimize use of plastic bags

August 17, 2015

Town News

The Paramus Environmental Commission urged the Borough Council to pass an ordinance banning one-time-use plastic bags from businesses throughout the town.

Jerry Anthony, a representative of the Environmental Commission, presented the council with the plastic bag ban proposal during a work session on Aug. 5.

"We're seeking support, feedback, guidance and hopefully an endorsement of the implementation of a ban on single-use checkout bags," Anthony said.

"It's a very specific ordinance," he added. "It's the little flimsy ones that are meant to get thrown in the garbage. It's not the larger bags that clothing stores give out."

Calculated based on the population in Paramus, as many as 10 million of these bags are given out per year and an average of 300 bags are given out per person nationwide, according to Anthony.

"So the thing is that they're made to be disposed of after one use," he said. "Worldwide, it's anywhere between 500 million and one trillion bags a year of a product that's meant to be thrown away or recycled when it's done being used ... A million bags per minute is the estimate of how many are used. The estimate I've seen is 10 percent of the bags are recycled so 90 percent of them go in the landfill or get burned. So that comes to nine or 10 million in Paramus. Maybe we do a little better here because we recycle more."

Anthony said that the plastic bags cause a lot of problems in the environment.

"They call it the national flower in some countries. They go into the waters and they get mistaken for food by marine wildlife," he said. "And they're made from nonrenewable resources, oil and natural gas, so that's consuming a lot of energy in the use of making these plastic bags."

"The worst problem is it takes 1,000 years for a bag to break down," he continued. "And when it breaks down, it only breaks into tiny particles. It never really goes away. So, what you wind up with is tiny pieces of plastic that eventually will end up, a lot of it, in our food. Every piece of plastic ever made since it was invented is still with us, except for some things that have been burned."

Anthony said that plastic lasts basically forever, and will have a long-lasting effect on the environment.

"It will be with us and our children," he said. "We're drowning in plastic and we're trying to slow it down. Single-use bags are the low-hanging fruit of the way to stop our plastic consumption. There's ink on these bags that can be very poisonous and that gets washed away in water."

According to Anthony, the following cities and countries have already banned the use of plastic bags: Los Angeles, Rwanda, San Francisco, Mexico City, Hawaii, France, Spain, Bangladesh, and Southampton, N.Y.

"It's been going real well," he said. "The stores, the big retailers out there, they have a strategy of how to deal with not having plastic bags. They'll give you a paper bag, you can buy the robust plastic bag for free or you can buy a reusable bag. They're dealing very well."

The ban would not impact bags for produce or bulk goods because of sanitation issues.

Anthony said they want to try to get the program done by Earth Day of next year.

"It's something we're ready for," he said. "We can lead by example. The time has come. We bring this in, everybody would follow us. It's a great thing. We want to have a sustainable future for the little kids."

Mayor Richard LaBarbiera said that he was on board, but that maybe they should take a softer approach to the ban.

"I think it's a great idea," he said. "How would you implement this? The last thing we want is vigilantes. We want to do it in a subtle manner as far as winning the people over instead of forcing it upon them."

LaBarbiera suggested doing some sort of accreditation program that would allow the Environmental Commission to give Paramus stores a "green" status. The stores would then become certified as part of a lead

program where they could possibly earn points. Any store could participate and get accreditation from the borough.

Anthony said they could also come up with some sort of "green merchant challenge" to encourage businesses to participate.

LaBarbiera said that the council would draft a resolution that would phase in the program, voluntarily, over three months, strongly urging businesses to get rid of the plastic bags and then consider banning them altogether afterward.

"I'm very pleased for such a positive response," he said.

Energy Answers to continue with waste-to-energy proposal

August 17, 2015

CARIBBEAN BUSINESS ONLINE

Energy Answers announced Monday it will move forward with its proposed resource-recovery and waste-to-energy facility in Arecibo, for which it will invest some \$750 million and expects to operate despite what the company called a "small group of opponents."

In the company's announcement, an Energy Answers legal adviser, Rafael Toro, stated that as recently as last week, a San Juan newspaper published a known project opponent's opinion comparing the Arecibo facility with one in Florida called "Old Smokey."

That facility, according to Toro, began operations in 1925, or 90 years ago, "so the comparison is far from...the truth, and demonstrates a lack of understanding of the scientific and technical reality" to be discussed publicly.

"The omission of this information as relevant undermines the validity of the position presented. Even worse, it raises serious questions about the motives behind this opposition," Toro stated.

Adding, "The proposed Energy Answers project is the most modern in the entire hemisphere, and incorporates the most advanced technology and science for proper waste management, creates significant economic activity, creates jobs and leaves behind archaic ways of managing waste."

NYC continue to use banned pesticides

August 17, 2015

El Nuevodia

A number of exemptions allow the Parks Department and city contractors, the use of potentially carcinogenic substances

Although a local law that prohibits the city of New York using pesticides linked to cancer, city agencies apply thousands of kilos of these substances each year.

When Local Law 37 was passed in 2005, environmental groups such as Beyond Pesticides praised the city for being at the forefront of national efforts to contain pesticides.

And in its annual reports of pesticides, the City suggests that the law has been successful, stating that from May 2006, "the use of pesticides classified by the Environmental Protection Agency (EPA) as a possible, probable or known human carcinogens They were eradicated.

In November of that year, according to these reports, the city eliminated the pesticides classified among developing toxins by the state of California, also prohibited under Local Law 37. Finally, pesticides toxicity Category 1 are prohibited from November 2005.

But the same reports show that eight years later, city agencies and their contractors have released a stretch of exemptions in the law and continue to apply thousands of kilos of these substances each year.

In 2013, the last year they were released such data, the NYC applied 25,000 pounds of solid pesticides which are exceptions to the Local Law 37, which represents nearly a quarter of the total 111,000 pounds of pesticides solid recorded in the last report. In addition, 1,900 gallons of liquid pesticide-free, representing more than a quarter of total liquids used were applied. Reports dating back to 2007 reveal similar patterns. Despite a downward trend in pesticide use by agencies of the city since it began issuing the reports, the application of these prohibited categories does not seem to be declining.

In golf, the most frequent use

The banned substances include Roundup, the same as was the subject of intense scrutiny earlier this year when the World Health Organization said glyphosate as an active ingredient of Roundup, which is "probably" is carcinogenic to Humans. However, EPA has not classified glyphosate as carcinogenic or highly toxic, so its use does not currently require an exemption under Local Law 37. In 2013, the City, through the Department of Parks and Recreation , applied 830 gallons of glyphosate-based products.

Exempt Pesticides are, however, products containing chlorothalonil, a fungicide known as a "probable" human carcinogen by the EPA. Chlorothalonil has been established that increases the rate of adenomas and carcinomas in rats and mice.

In 2013, the most recent year for which data were released, the Parks Department reported that 6.150 pounds of pesticides used based on chlorothalonil, which coincides with the same amount recorded in previous years.

Annual reports do not specify the purpose and location of each application, and the Parks Department did not respond to a request for comment. However, the most common places where the fungicide was used, were golf courses, the report of 2013.

In fact, most of the applications of the fungicide containing chlorothalonil were Andersons Daconil Turf with 5.0% (equivalent to a brand chlorothalonil), which is recommended for use on golf courses, sports fields, cemeteries and parks. The manufacturer warns consumers, however, that the product is not used in home lawns, with kindergartens and schools.

Despite being considered a probable carcinogen, chlorothalonil can be applied to golf courses for under Local Law 37 has been given a blanket exemption.

This is not unusual, said Laura Haight, an ex environmentalist associated with New York Public Interest Research Group (NYPIRG) who helped coordinate the Local Law 37. She noted that golf courses are usually free of pesticide laws. "Which is incredibly toxic," he added.

Also exempt under this law professional sports fields and swimming pools where pesticides are used to "maintain water quality."

As often it happens with pesticides, but nearly 4,000 pounds fungicide Anderson lawn, chlorothalonil, the active ingredient of the product represents only a small proportion were applied - 5 per cent - of the formulation, the rest consists of "other" ingredients, also it is known as "inert" ingredients.

Despite being known as "inert", a term the EPA has acknowledged it is deceptive to consumers, these ingredients can be possibly carcinogenic or toxic and can increase the toxicity of the active ingredient. However, manufacturers are legally required to disclose only the active ingredients.

The Department of Health may grant exemptions

Which has not issued a blanket exemption, an agency may be authorized to use pesticides by the Department of Health and Mental Hygiene.

For example, Anvil 10 + 10, the insecticide used in the annual spraying of West Nile virus contains piperonyl butoxide, which is listed by the EPA as a possible human carcinogen. Each year since the Act came into effect, the Health Department has awarded the Office of Surveillance and Control of Vectors an exemption for "temporarily reduce the prohibition on the use of pesticides that otherwise its application is vetoed in New York" .

In a press release of August 8, the organization No Spray Coalition criticized the Department of Health to grant exemptions himself. "No other agency supervising its implementation. The checks and balances under Local Law 37 are this way frustrated," said the entity.

Other pesticides are excluded under the annual exemptions of the city. For example, insecticides containing fipronil and hydramethylnon, both classified as possible human carcinogens by the EPA, are regularly used by NYCHA, which provided 150 pounds of products based on fipronil in 3,400 applications and 110 pounds of hydramethylnon 95 applications .

In the letter of annual exemption, Daniel Kass, Deputy Commissioner of the Department of Health for the environmental area, said that these products are of minimal risk to human health because they can be "used specifically limiting the likelihood of human exposure." Also, Haight said that these products are typically included in bait containers.

The fears may be exaggerated

Levi Fishman, deputy press secretary at the Department of Health, said in an email earlier this year, potential carcinogens or probable carcinogens, may not be cause for concern when exposure is minimal, Anvil, for example, 0.0034 pounds applied per acre.

"When used properly, this product does not pose significant risks to human health. Is rapidly degraded with sunlight, creates little or no residual activity and does not accumulate in the environment," Fishman wrote. However, the City residents suggested that if children bring toys, equipment and clothing for outdoor activity, should wash them in the event they have had contact with the Anvil.

Activists like Cathryn Swan of No Spray Coalition, are not convinced that the Anvil is easily degraded as the City says. The pesticide may, for example, remain either in the ground or in areas shaded from sunlight. On the ground, the average life of sumithrin is 1-2 days, which means that almost completely degraded in 5-10 days, but potentially can persist much longer in water bodies, according to the National Pesticide Information Center .

No Spray Coalition has also expressed concern about potential ecological impacts on bees and aquatic organisms. Local Law 37, however, focuses solely on impacts on human health.

Even where exposure rates are higher than expected, a possible human carcinogen is not necessarily cancerous. The designation of "possible" applies when there is limited evidence of carcinogenicity. For piperonyl butoxide, laboratory results have been mixed with some studies finding carcinogenic in very high doses and not in others.

However, the risk classification of a pesticide may be a matter of controversy.

Dr. Brian Dementi, a former EPA toxicologist, was the main responsible for assessing the safety of malathion, the pesticide that was used in New York City before moving to Anvil.

In an independent scientific panel in 2000, Dementi testified that malathion should be classified as a "probable" carcinogen. But in the end, the APA rejected their conclusion, arguing that the insecticide was safe if used correctly and decided to appoint malathion as having "suggestive evidence of carcinogenicity" - which is a lower risk ranking.

When the West Nile outbreak first hit New York, and the Health Department sprayed malathion helicopter Dementi disagreed, but he believed that ultimately, the justification for the use of any pesticide is given in the calculation of risk -benefit.

"In fact bother me," he said. But on the other hand, he is preventing encephalitis. You always have to consider the risk assessment ... Is there a greater risk of not doing? You always have to discern. It is a difficult balance of risk versus benefit. "

Although less than 1 percent of those infected develop severe symptoms, West Nile virus can cause neurological damage and death, according to the Center for Disease Control. Since 1999, there have been 317 cases of symptomatic infection from West Nile reported in the city of New York, 38 of them fatal, according to the Department of Health, a rate below one case per 100,000 inhabitants.

Notice is key

Despite the exemptions of Local Law 37, Haight, who worked closely with the Department of Health to restrict the use of pesticides during his years in NYPIRG, he says he is proud of the law.

"There is no perfect law. All laws are developed with commitments," Haight said, adding that she believes the Department of Health has acted in good faith on reducing pesticide use and minimize risks.

"The law should be stronger," said Joel Kupferman, a lawyer and executive director of the New York Environmental Law and Justice Project. Its main weakness, he argued, is that exemptions are granted at the municipal level. However, applications for exemptions must be evaluated at the federal, state instead of the City, Kupferman said. Further believes that agencies have inadequate or insufficiently reports when the effects are adverse.

Although the city of New York and activists discussed in detail classifications and risks of pesticides, Swan asked the city to at least have informed the residents.

"We are basically saying that if you're going to do, at least they should properly notify the right people," Swan said.

In April, Swan attended a meeting of Brooklyn Community Board 7, where a representative of the Department of Health were invited to talk about the upcoming fumigation of West Nile Virus. A resident who requested notification email alerts city, complained that sometimes was notified after the spraying had happened. Jeremy Laufer, district leader said, warning that 24 hours was not enough and said the administration relied too much on notification via email, rather than physically, a problem for a community where many families do not have internet access.

Other attendees wanted to know how dangerous are these substances, if they were carcinogenic and if they accumulate in the environment. The representative, who only had three weeks in the job, was not sure of the answers.

The Health Department has not responded to a request for comment on the Local Law 37.

N.J. ozone level alert extends into Tuesday

August 17, 2015

The Record

For those with asthma and other respiratory illnesses, Tuesday is expected to be brutal – the fourth consecutive day that the state has issued an advisory to prepare for high levels of ozone.

Ozone levels are forecast to reach unhealthy levels for those with an array of respiratory diseases, such as emphysema and chronic bronchitis, as well as for children and the elderly, according to the state Department of Environmental Protection. The DEP advises such people to avoid strenuous outdoor activity this afternoon and early evening.

Breathing in ozone is akin to getting a sunburn on one's lungs, according to some health experts. Exposure can also increase the risk of premature death for those with heart and lung disease.

Ozone also damages foliage of trees and other plants, and is responsible for \$500 million in reduced crop production each year in the United States.

Sunny skies, temperatures expected in the lower 90s and prevailing winds out of the west and southwest will provide the ingredients necessary for ozone to form today.

One component of ozone is the pollutant nitrogen oxide, which is a byproduct of burning fossil fuels, such as coal. Many power plants in Pennsylvania and other Midwestern states still burn coal, and the nitrogen oxide that escapes up the stacks can be carried hundreds of miles into New Jersey.

Another component of ozone is volatile organic compounds – pollutants that are emitted by cars, trucks, diesel locomotives and ships – which are a particular issue in New Jersey, since it is a major transportation corridor with ports, airports and a tangle of highways crammed together.

Exacerbating the problem is the fact that over the past decade, power companies in eastern states spent hundreds of millions of dollars to install pollution-control devices on their plants to meet federal air quality rules, but then turned the equipment off, because they calculated it was cheaper to buy credits – allowances to emit a specified amount of pollutant – than to run it.

As a result, some plants have logged dramatic increases in nitrogen oxide emissions, even though the facilities had installed equipment that could capture up to 90 percent of the pollutant.

On particularly warm days, nitrogen oxide and volatile organic compounds can chemically react in the air, creating ground-level ozone.

Saturday was the 11th day this year in which the state exceeded the federal ozone standard of 75 parts per billion for an eight-hour period. Through this time last year, there were two days when ozone levels surpassed the federal standard. Through the same period in 2013, there were eight days above the standard.

Earlier this month President Obama unveiled a sweeping plan to dramatically cut carbon emissions from the nation's power plants, a move that - if it survives expected court challenges – could also help reduce other pollutants, including nitrogen oxide. The administration estimates that by 2030, emissions of nitrogen oxide nationwide would be 72 percent lower.

And last year, in another move that will help New Jersey's longstanding battle with ozone, the U.S. Supreme Court upheld a federal rule that forces coal-burning power plants in 27 upwind states to cut emissions that cause soot and ozone, including nitrogen oxide. However, a federal appeals court last month ruled that, while the cross-state air pollution rule stands, the federal government needs to ease the limits on such pollution for 13 of the states covered.

N.J. Highlands Council to use \$9M conserve farmland, buy open space

August 17, 2015

The Record

The state Highlands Council plans to use \$9 million it received from a controversial project that expanded electric towers in the region to conserve farmland and purchase open space under two new programs introduced Monday.

But that amount will preserve only a fraction of the region's most coveted, privately held land whose 160,000 acres are estimated to be worth \$1.3 billion.

The programs are the latest effort by the state to compensate land owners who have seen their property values decrease after development in the region was curbed to protect some of New Jersey's largest drinking water supplies.

One program will secure the development rights to farms by buying back credits issued to their owners. Landowners subject to a development ban are given "development credits" with a monetary value. Those who qualify can sell the credits to the state for transfer to developers to use in towns that want intensive growth or redevelopment.

Another program will purchase land outright to either be conserved or used for recreation. Both programs are expected to launch early next year.

The \$9 million comes from PSE&G and PPL Electric Utilities, which agreed to set aside preservation funds to offset environmental damage caused by their Susquehanna-Roseland project — a 145-mile transmission tower upgrade from Pennsylvania through the Highlands to Essex County.

The two programs will still be retained after the \$9 million is given out, but so far there is no other source of money.

Land values in New Jersey's mountainous northwest corner have plummeted since 2004 when the Highlands Act placed strict restrictions on development in the state's largest water-generating region. Some of the hardest hit were farmers whose large patches of land could no longer be developed into homes, strip malls or office parks.

Many land owners, local officials and environmentalists have been calling for a dedicated source of money to preserve land in the Highlands, like a tax on those outside the region who draw water from the its many aquifers and reservoirs. The Christie administration has said it would not support such a measure.

Many lawmakers and administration officials said they would like to dedicate more money to Highlands preservation, but the recent revival of Green Acres, the state's open space program, had no money dedicated specifically for the region.

It would cost \$1.3 billion to preserve 70,197 acres of priority farmland and 92,360 acres of priority conservation lands, according to a 2010 report by the Highlands Council.

Landowners in the Highlands are able to sell their property to the state at whatever value it had prior to the Highlands Act, under a 2010 law.

About 290,000 acres of open space and farmland — about 34 percent of the entire region — had been preserved in the Highlands as of 2010, under the latest data available.

The rules establishing the programs were published on Monday. The Highlands Council will hold a public hearing detailing the program on Sept. 17 at its headquarters, 100 North Road, Chester, in Morris County. The public has 60 days to comment on them. The council plans to approve the rules in early December and start choosing lands for preservation in early 2016.

Town and State Officials Call for US Army Corps and EPA to Stop Dumping Dredge Spoils in LI Sound

August 17, 2015

Long Island Exchange

On August 17, Supervisor Ed Romaine was joined by Councilwoman Jane Bonner, Senator Ken LaValle, Assemblyman Steve Englebright and Defend H2O Founder and President Kevin McAllister in opposition to the US Army Corps of Engineers' (US ACE) and the US Environmental Protection Agency's (US EPA) plan to continue dumping dredge spoils in the Long Island Sound. The Supervisor warned that the spoils, dredged from rivers and harbors in Connecticut, contain potentially contaminated materials that are a threat to the sensitive ecology of the Sound.

The Supervisor also addressed the US ACE's failure to notify government officials of an upcoming public hearing in Port Jefferson on August 24 to review its Draft Dredged Material Management Plan (DMMP) and

Draft Programmatic Environmental Impact Statement (PEIS) for the Long Island Sound. He criticized the federal agencies for their plan to release the documents to the public on August 17, allowing only seven days for review of what is a long and detailed report.

Go to www.nae.usace.army.mil/Missions/ProjectsTopics/LongIslandSoundDMMP.aspx to access the reports. They are linked on the bottom right hand side of the page under LIS DMMP and PEIS.

Supervisor Romaine said, "In Brookhaven Town, we're making great strides to help improve the water quality in our rivers, lakes and bays and we expect the federal government to do the same in the Long Island Sound. Unfortunately that doesn't appear to be the case. I strongly oppose continued dumping of spoils in the Sound and I ask my colleagues to stand with me against any plan by the Army Corps or EPA to do so."

Councilwoman Jane Bonner said, "The Long Island Sound is a haven for recreational boating, swimming and fishing but that could all be threatened if we continue to allow the federal government to go through with their plan. I urge residents to attend the hearings, make your voices heard and help put a stop to further contamination of one of our greatest natural resources."

Senator LaValle said, "Throughout my tenure, I have worked to put in place policies and programs to protect this vitally important resource. This year alone, we secured \$5 million towards clean water studies and initiatives across Long Island. To dump dredge spoils from potentially contaminated sites would do irreparable harm to Long Island Sound. There have been numerous studies that collectively demonstrate pollution, overfishing, and contaminated dredge material disposal have eroded the health of the Sound over time, thereby reducing its resilience capacity to deal with additional ecological stressors. I call upon the Army Corps of Engineers and the EPA to put a stop this ill-conceived plan."

Assemblyman Englebright said, "The waters of the Long Island Sound must be protected from this threat of contamination. We need to be able to do more than just look out the window and admire the beauty of the Sound. We deserve to have the opportunity for ongoing recreational and commercial activities. The Sound must continue to provide the public with opportunities such as swimming boating and fishing, without the fear of contaminated dredge spoils. It is disappointing to think that we will have to continue to fight to protect our water bodies from willful pollution. I stand in solidarity with the Town of Brookhaven in protecting the significant ecological and recreational marine resources of the Long Island Sound."

"With the efforts underway to restore the environmental integrity of LI Sound, the Army Corps plan to dump dredged sediments flies in the face of restoration. And, how discouraging it is that the EPA would sanction further pollution," said Defend H2O Founder and President Kevin McAllister.

In February of 2005, the DMMP was requested by the Governors of New York and Connecticut in a joint letter to the US ACE. The need for a DMMP also was identified by the U.S. EPA's June 2005 Rule that designated two of the Sound's historic open-water placement sites, the Central Long Island Sound site and the Western Long Island Sound site for continued use. The EPA's rule required preparation of a DMMP to examine alternative placement practices, with the goal of reducing or eliminating open-water placement of dredged material in the waters of Long Island Sound wherever practicable.

The US ACE is responsible for maintaining 52 Federal Navigation Projects (FNPs) in Long Island Sound and adjacent waters that include general navigation features requiring periodic maintenance dredging. These include 31 projects in Connecticut, 17 in New York and four in Rhode Island.

Two public hearings will be held in New York: on Monday, Aug. 24, 2015 in the Village Center at Port Jefferson at 101-A East Broadway in Port Jefferson, N.Y.; and on Tuesday, Aug. 25, 2015 at the Marriott Long Island at 101 James Doolittle Blvd. in Uniondale, N.Y. Hearings will also be held in Connecticut. Registration for all

meetings will begin at 5:30 p.m. and the hearings will start at 6 p.m. Public comments on the Draft DMMP or Draft PEIS should be forwarded no later than October 5, 2015 to the U.S. Army Corps of Engineers, New England District, (ATTN: LIS DMMP/PEIS Program Manager Meghan Quinn), 696 Virginia Road, Concord, MA 01742-2751 or by email to: meghan.c.quinn@usace.army.mil.

Feds seek to dismiss N.J. lawsuit against ocean blasting research

August 17, 2015

Associated Press

The federal government has moved to dismiss a lawsuit brought by New Jersey environmental officials against a research project that blasts the ocean floor with sound waves, mainly because the project is already finished.

The U.S. Justice Department wants a federal judge to dismiss the suit brought by the New Jersey Department of Environmental Protection against several defendants, including the National Science Foundation.

The project used sound waves to study sediment on the ocean floor dating back 60 million years to see how sea level rise has changed the coastline. Proponents involved in the project, including Rutgers University, the science foundation and the University of Texas, say the research can help coastal communities understand sea level change over millions of years to better protect against storms like Superstorm Sandy. The findings could be used to help make decisions on where to elevate houses, build protective barriers, relocate critical infrastructure or retreat from certain spots.

Environmentalists say this type of research has a history of harming marine life, which can become disoriented or stressed from the noise, disrupting migratory patterns, displacing them and even causing them to strand themselves. It was not immediately clear whether the recently completed testing had harmed any marine life.

In an Aug. 6 court filing, the federal government says the work is already over and there are no plans for additional similar tests.

"The seismic research survey that the state objected to when they brought this suit has ended," Assistant Attorney General John Cruden wrote. "Therefore they simply have no injury, no opportunity for redress, and no standing to sue. And any decisions regarding hypothetical future surveys have not been made. Therefore the state has no injury stemming from such a hypothetical, non-planned survey."

The DEP did not immediately respond to a request for comment Monday. But opponents say important procedural issues were not dealt with before the testing started on June 1. Cindy Zipf, executive director of the Clean Ocean Action environmental group, which led opposition to the research, called the dismissal motion "an outrageous attempt to hide from the law and duck due process."

"Seismic blasting is not over," she said. "It will be used off the East Coast in the hunt for offshore oil well into the future. New Jersey must have the opportunity to set the record straight against federal agencies that think they are above the law, which may help other states protect their coast and resources, too."

The testing concluded on July 6, after surveying off the coast of Long Beach Island.

A similar but separate lawsuit brought against the research by five fishing groups was dismissed on Aug. 3.

Enbala Helps American Water Increase Efficiency

August 17, 2015

Times Union

Enbala Power Networks has been engaged by Pennsylvania American Water to further develop an innovative program that increases energy efficiency and reduces energy costs. Pennsylvania American Water is increasing its use of the Enbala platform to broaden its participation in PJM Interconnection's Regulation Services Market (RSM).

The water utility had previously used the Enbala platform to enable loads at its Shire Oaks pump station to participate in the electric system operator's RSM. This new expansion added an additional pump into the program. In addition, two pumping stations, one in Pennsylvania and one in New Jersey, were brought onto the platform, thus creating additional energy efficiencies and savings through the RSM program, while also supporting the electric system operator's grid-balancing efforts.

Energy bills, as a percentage of operating costs for drinking water systems, can typically reach as high as 40 percent, according to the U.S. Environmental Protection Agency. American Water's Shire Oaks Pump Station was using an average of 1,200,000 kilowatt hours per month with a peak demand of 1,900 kilowatts when it initiated this novel approach to demand response management.

With just one drinking water pump enabled in the program at its Shire Oaks station, American Water had the potential to shave 1 percent off the site's total energy bill. By enabling a second drinking water pump, American Water has doubled its capabilities at Shire Oaks and, through the Enbala platform, upgraded other sites to triple its ability to participate in the grid operator's regulation services market, which increases efficiency and benefits customers.

"The Enbala platform is exactly the kind of technology we look to leverage," said Paul Gagliardo, innovation development manager for American Water. "It's a green solution that gives us greater energy efficiency and cost savings, which helps keep rates reasonable for our customers. It's also a way to be a good corporate citizen because, with this program, we can help PJM keep the electric grid in balance."

"American Water was a pioneer in this type of energy market participation," said Arthur (Bud) Vos, President and CEO of Enbala Power Networks. "The results seen at this utility prove that water providers have enormous potential to help grid operators maintain balance in our increasingly complex electric system."

The Enbala platform provides regulation service to grid operators like PJM Interconnection through a combination of software and operational technology that dispatches loads from a network of electricity customers and aggregates them to function as distributed energy resource for the grid operator. PJM sends Enbala a continuous signal indicating how much response is needed from the demand side to maintain a balanced grid. The Enbala platform fulfills that request by identifying which of the participating facilities are available and then sending out a signal to adjust power usage at sites like American Water's pumping stations. Because the load control conforms to customer-defined constraints, the system is non-disruptive to the customer's site or operations.

About ENBALA Power Networks®

Enbala Power Networks is focused on making the world's power grids greener and more reliable, efficient and predictable by harnessing the power of distributed energy. We are doing this with a transformative real-time energy-balancing platform that is changing the utility landscape.

The Enbala platform provides a revolutionary, highly flexible approach for creating controllable and dispatchable energy resources. It unobtrusively captures and aggregates available commercial and industrial (C&I) process loads, energy storage and renewable energy sources to form a network of continuously controlled resources. It then dynamically optimizes and dispatches these energy resources to respond to the real-time needs of the power system – all without impacting C&I customer operations.

Federal dredging plan to put river sediment in Long Island Sound opposed by local officials

August 17, 2015

NewsDay

State and local officials said on Monday a proposed federal dredging plan could cause contaminated sediment removed from Connecticut rivers to be dumped into the Long Island Sound.

During a news conference at Cedar Beach in Mount Sinai, local officials said they would speak in opposition to the plan during a public hearing next week in Port Jefferson. They said dredged "spoils" could harm wildlife, and they said there was little time before next week's hearing to study a 1,300-page report on the project released Monday by the Army Corps of Engineers and the federal Environmental Protection Agency.

"This has basically become . . . a way to give the public the bum's rush," Assemb. Steven Englebright (D-East Setauket) said.

In a statement, EPA officials said the Army Corps of Engineers is "required to adhere to environmental criteria developed by EPA, and decisions are subject to EPA's concurrence." Written comments may be submitted to the Army Corps through Oct. 5.

The Army Corps website says that the goal of the dredging is to improve navigation on those rivers.

Brookhaven Supervisor Edward P. Romaine said federal officials plan to dump sediment from the dredging project in four locations a few miles off the Connecticut coastline. Englebright said the sediment could contain pesticides, toxins, chemicals and "poisons of all kinds."

State Sen. Kenneth LaValle (R-Port Jefferson) said two of the dumping spots are near Plum Island and Fishers Island, both part of Southold Town. He called the dumping plan "stupid," because it could harm Long Island's fishing and boating industries.

"We've put millions of dollars in federal and state [funds] to clean up the Long Island Sound," he said. "We really have a big stake in this. This is part of our economic development."

Local officials said the federal Draft Dredged Material Management Plan is posted on the Army Corps website.

Public hearings will be held at 6 p.m. Aug. 24, at Village Center, 101-A East Broadway in Port Jefferson, and 6 p.m. Aug. 25 at the Marriott Long Island hotel, 101 James Doolittle Blvd., Uniondale. Public hearings also will be held in Stamford, Connecticut, on Aug. 26 and in New London, Connecticut, on Aug. 27.

Putting the brakes on damage to Pine Barrens forest | Byers

August 17, 2015
The Hunterdon County Democrat

At 125,000 acres, Wharton State Forest in the Pine Barrens is by far the largest state-owned forest in New Jersey. In fact, it's bigger than the land area of Essex and Hudson counties combined!

This sprawling forest in the heart of the Pine Barrens is notable for its diversity of wildlife, including rare plants and threatened and endangered animals like Pine Barrens treefrogs. Since Wharton was purchased in the mid-1950s, motorized vehicles have been allowed to travel its network of sandy roads to tour the quiet of the forest's interior, visit historic ghost towns and find places to put in a canoe.

But in recent years, motor vehicle use in Wharton has veered out of control. Powerful four-wheel drive vehicles have destroyed the old roads and blazed new ones through woods and stream beds to create places for off-roading and "mudding." Old trails and fire lines never intended for motorized vehicles have been widened to access some of the forest's most pristine areas.

The result is widespread damage to the area's land and waterways, severely eroded stream banks, acres of denuded landscapes and cavernous mud pits that were once iconic Pine Barrens wetlands. In addition to harming wildlife and degrading pristine streams, this damage has made some roads so impassable that even robust Forest Fire Service vehicles have been left stranded during recent forest fires.

A new plan will help rectify these problems.

To protect the forest, improve safety and make public access easier, the state Department of Environmental Protection is launching a Motorized Access Plan (MAP) to encourage and enforce responsible use of motor vehicles.

For the first time, the state is clarifying which roads within Wharton are designated for motorized access, and distinguishing them from the trails that are set aside for visitors on foot, bicycles and horses. The plan designates nearly 225 miles of sand and other unimproved roads – almost double the length of the New Jersey Turnpike – for street-legal motor vehicles.

"Wharton State Forest is unique in that it provides an extensive network of sand and gravel roads, remnants of the area's rich history, that provide up-close access to secluded rivers, quiet forests, beautiful wetlands and sites of former villages and towns," said Richard Boornazian, the Department of Environmental Protection's Assistant Commissioner for Natural and Historic Resources. "The MAP program will ensure continued access to these features while educating the public and making sure the region's sensitive ecology is protected."

There's plenty that needs protecting! Wharton State Forest is home to some 300 bird species, nearly 60 reptile and amphibian species, and more than 90 fish species. Forty-three of those animals are listed by the state as threatened or endangered, including bobcats, timber rattlesnakes and red-headed woodpeckers.

Wharton also has some 850 plant species, including wild orchids, sedges, grasses and insect-eating plants. Rarest among them include bog asphodels, curly-grass ferns and Pine-Barrens gentians.

The State Park Service will begin implementing the Motorized Access Plan by late summer. Brochures and maps will be available at the Batsto Village Visitor Center, located off Burlington County Route 542, east of Hammonton, and at the Atsion Recreation Area, located off Route 206 in Shamong.

This is a terrific way to balance motorized vehicle use with protecting sensitive areas! Thank you to the Department of Environmental Protection for addressing this critical off-road vehicle problem at Wharton in a

thoughtful, responsible way. Hopefully, the Wharton State Forest Motorized Access Plan will become a model for the management of our other state-owned lands.

Love the forest but not the damage? Show your support for the Motorized Access Plan by contacting the Department of Environmental Protection commissioner and your legislators.

And for more information about preserving New Jersey's land and natural resources, visit the New Jersey Conservation Foundation website or contact me at info@njconservation.org.

Shore dredging begins in La Plata reservoir

AAA notes that cleaning will help to extend the period of use of the dam because to store more water

August 17, 2015

Elnuevodia

The dredging of the reservoir La Plata in Toa Alta, started early this Monday, confirmed the engineer José Javier Rivera, who is in charge of the Directorate of Design and Auctions of the Aqueduct and Sewer Authority (AAA).

The corporate officer also said that at some point in the remainder of this week, should begin similar work on Lake Carraízo.

The work will include the removal, from the shore, the sediment which at present has been exposed by the drought that has accumulated for years.

The corporation emphasizes that the dredging will help extend the period of use of reservoirs. The accumulated sediment removed more water storage is achieved.

In La Plata, the work could be initiated by the Municipality of Toa Alta equipment and personnel made available to the AAA.

"It's a shore dredging in an area which is owned by DNER (Department of Natural and Environmental Resources, and is used for recreational fishing). It is useful that the sediment is exposed and allows easier removal for placement in an area of arrangement in which the DNER area planted some trees. The materials dredge was used to level the ground," he said in an interview with this medium.

He said that work also collaborate DNER and the State Agency for Emergency Management and Disaster Management (PREMA). However, Rivera hopes that in the coming days to join the work the municipalities of Bayamón, Guaynabo, Cataño and Corozal, the AAA also been asked to help.

"We are coordinating agreements with municipalities to see how we can help," said the official.

La Plata is one of the reservoirs of the most impacted by drought half. Your level this morning was 34.87 meters. Only 3.87 meters you are having to be taken out of operation.

Given the drastic drop in level as the maximum storage capacity of water in the dam is 51 meters, the 180,000 customers who are served by this dam are in a rationing plan two days without a day of service and potable water .

Rationing affects residents of Bayamon, Guaynabo, Cataño, Toa Alta, Toa Baja, as well as sectors of San Juan, Corozal and Naranjito a neighborhood of Dorado.

As for Carraízo, whose basin is most affected by extreme drought, Rivera explained that finally reached the agreement with the company Added Trujillo to not charge for the work of dredging shore.

"It will be done through exchange of material," said Rivera.

He said that what is expected is that the company remove some 85.000 meters of sediment and to have the "good stuff", either performing or works for sale. That optimum material is estimated to be only 2.000 meters.

At present, the company is in the process of bringing his team to the area and begin the task of dredging shore.

"This week we started," let the manager of the AAA.

Shore dredging Carraízo will be in "the most distant part of the dam, at the beginning of the lake, after gather the Gurabo River and the Rio Grande de Loiza," Rivera said.

Carraízo reservoir is in worse shape due to lack of rain. In fact, the people that make up its basin were first reported in extreme drought Drought Monitor United States.

This morning, the reservoir you were only 3.56 meters to reach the level at which it is decreed "out of service", to settle at 33.56 meters. To reach that level, the AAA may only distribute the same amount of water for daily rain or runoff or what is equivalent to a technical rationing.

The maximum storage level is 41.14 meters Carraízo water.

Currently, the 140,000 subscribers of this reservoir are a rationing plan in which only have water two days a week. It affects residents of Carolina, Trujillo Alto and San Juan sectors, Gurabo and Canovanas.

Asked about the likelihood that hydraulic dredging near the gates of dams, the engineer replied that "maybe in the long run" is performed.

Message

From: Shore, Berry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CCDB5298240449EBA038932B99491247-SHORE, BERRY]
Sent: 11/16/2015 2:01:43 PM
To: R2 EPA NY NJ PR VI (EPA Staff) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e2c3e9e189324acdbec2489c973c3185-R2 EPA NY NJ PR VI (EPA Staff)]
Subject: Morning Clips

Group sues over Catskill resort

The Daily Star, Oneonta, N.Y. (TNS)

Published 11:21 am, Sunday, November 15, 2015

An environmental group is suing the state Department of Environmental Conservation about the proposed Belleayre Resort in Highmount.

Kathy Nolan, chair of the Catskill Heritage Alliance, has announced the Alliance filed a lawsuit this past week to require an adjudicatory hearing on the proposed resort, saying that the state agency "failed to consider adequately" certain aspects of the project in its review.

The DEC gave approval in July to developer Crossroads Ventures LLC's plans for the proposed Belleayre Resort, which includes two hotels, a spa, a golf course and various lodging units on 739 mountainside acres that straddles Ulster and Delaware counties. The DEC later accepted documents proposing a potential \$75 million "full build-out" of the Belleayre Mountain Ski Center, with the state using public funds to purchase the former Highmount Ski Center from Crossroads and connect it to Belleayre.

In a statement, Nolan said the adjudication would review a proposed alternative, lower-build plan for the resort, and related matters. The suit was filed at the Albany County Clerk's Office.

"CHA and other citizens groups have opposed this oversized, destructively sited project since it was first proposed in 1999," Nolan wrote in the release. "We have long been on record raising important issues about it before the DEC and the public. We have explained repeatedly how the resort as currently proposed is too large and too environmentally sensitive to be viable, and would end up harming the environment and the local economy."

The Alliance argues that the resort as proposed would lead to "adverse impacts such as flooding, traffic, air pollution and density, as well as the inadequacies of the project's plans for storm water management."

Upon approving the resort proposal in July, then-DEC Commissioner Joe Martens said in a media release that concerns raised about the modified project by CHA and others "are not substantive and significant," and that "significant modifications" to the project, including eliminating development on the Big Indian Plateau, were sufficient to resolve environmental concerns related to the project.

Landfill issue crops up again in region

By James Nani

Posted Nov. 15, 2015 at 9:38 PM

Times Herald-Record

KINGSTON - \$19,028,155. That's how much Orange and Sullivan counties, plus Ulster's trash agency, spent in 2014 carting away the trash of residents in the three counties to faroff landfills because there is no such dump here.

The idea of building a landfill has always bred controversy, anger and even fear. The issue has again moved to center stage in Ulster County. And while Orange County is taking a wait-and-see attitude, Sullivan County officials say they're willing to talk about working together on a venture that was estimated back in the 1990s to cost about \$63 million.

Most outspoken about siting a landfill recently has been Charlie Landi, a board member with the Ulster County Resource Recovery Agency, the agency that would ultimately pick where to create a landfill.

Last week, Landi introduced a list of 17 potential sites that could host a landfill, igniting a firestorm among those studying Ulster's waste future. Landi even mentioned "eminent domain" as a possibility.

"The reason we don't have a landfill is not about logic, it's about the 'not in my backyard' (NIMBY) syndrome and shortsightedness," Landi wrote in a recent letter responding to critics.

The Ulster RRA manages all public waste going out of Ulster County. It shipped about 116,000 tons of waste to Seneca Meadows Landfill in 2014, more than 250 miles away in Waterloo, at a cost of \$6.75 million.

Orange and Sullivan county governments capture only part of their trash stream; private haulers also collect and dispose of some.

An advantageous short-term contract with Seneca Meadows and lower gas prices has led to lower fees. But Landi says Seneca Meadows has won a lucrative contract with New York City to take its trash, and when the RRA's contract runs out, the price of hauling trash could rise again.

Hector Rodriguez is co-chair of the 11-member Solid Waste Disposal Improvement Commission. He says a first priority is finding a way to reduce the amount of trash the county has to ship out.

Josh Potosek, Sullivan County manager, sees the benefits of a regional approach. They spent almost \$4 million last year shipping waste to Seneca Meadows.

Potosek said Sullivan was moving toward expanding its filled landfill in 2009 but couldn't get state permits in time. So they began hauling its waste away.

In the summer, the waste commission approached Sullivan County officials about the issue to get a sense of whether they were interested in working together. Scott Samuelson, chair of the Sullivan County Legislature, said that meeting went well.

Even Orange County, which spent \$8.3 million last year hauling its waste almost 90 miles away to Keystone Sanitary Landfill in Denmore, Pa., says it's willing to consider dumping waste closer if the price is right.

"If Ulster wants to allow a landfill in their county and accept regional solid waste, and it can save Orange County taxpayers money, we are happy to hear that plan. However, nobody in Ulster has approached us about this," said Orange County spokesman Justin Rodriguez.

Why Closing Nuclear Power Plants Is Short-Sighted

By Christine Todd Whitman
Nov. 16, 2016
Opinion, Wall St. Journal

CHRISTINE TODD WHITMAN: Following the announcement that the Pilgrim nuclear-energy facility outside of Boston will close by 2019, it is critical for decision makers to reassess how electricity markets value the clean electricity produced by nuclear energy.

The early retirement of well-operated nuclear-energy facilities brings with it a huge cost—both to local economies and the environment. And while the costs of Pilgrim’s retirement will undoubtedly be high, one need only look at what happened when Wisconsin’s Kewaunee nuclear-energy facility closed a few years ago. The local community lost 70% of its tax revenue, and the state lost 7.8 million megawatt-hours of clean electricity generation.

The impact of Pilgrim’s closure is just as significant from an environmental perspective. The Pilgrim facility prevented 3.1 million tons of carbon-dioxide emissions in 2014 while producing electricity for thousands of homes and business. The Environmental Protection Agency’s Clean Power Plan requires Massachusetts to reduce carbon-dioxide emissions by more than 1 million tons. So, the closure of Pilgrim alone has tripled the state’s carbon-reduction requirement under the EPA plan.

Low-carbon electricity matters more now than ever in light of the U.S. Environmental Protection Agency’s Clean Power Plan. Today, nuclear energy provides more than 60% of our nation’s carbon-free electricity. Any credible and sustainable program to reduce carbon emissions must preserve existing nuclear-energy facilities, encourage license renewal to extend their safe operation and encourage the construction of the next generation of reactors.

Nuclear energy is distinct in that it is the only carbon-free electricity source that produces electricity at a large scale around the clock.

Renewable sources, while an important part of a low-carbon portfolio, produce electricity only when the wind blows and the sun shines. A dangerous assumption is that nuclear-energy facilities can easily be replaced with solar or wind generation, but this is simply not the case. In fact, a nuclear-energy facility is much more likely to be replaced by power plants fueled by natural gas, which produce 462 tons of carbon dioxide per gigawatt-hour of electricity. This scenario would still leave a state challenged to attain its Clean Power Plan goals.

Even if states were able to replace lost nuclear-energy capacity with renewables, it would take a great deal of time, resources and land to do so. For instance, New York would have to more than quadruple its renewable-energy output by 2030 to make up for the loss of just one of its five reactors. According to The Economist, when taking into account the real cost of all energy sources, “the most cost-effective zero-emission technology is nuclear power.”

Unfortunately, as in Wisconsin and Massachusetts, policy makers are standing by as these facilities are closed without considering the long-term implications to consumers, the environment and the economy.

Making matters worse, poorly structured electricity markets are putting at risk other well-operated, proven nuclear-energy facilities in New York, Ohio, Illinois and other states. Once closed, these plants won’t reopen. We must act now before it is too late.

Christine Todd Whitman was governor of New Jersey from 1994 to 2001 and administrator of the Environmental Protection Agency from 2001 to 2003. She is currently president of Whitman Strategy Group, a consulting firm that specializes in helping companies find solutions to environmental challenges.

Read the latest Energy Report.

SO WHERE'S THE REWARD FOR PROPOSED PIPELINE?

11/14/2015

Times Union

"The risk is not worth the reward," said Gov. Andrew Cuomo to lively applause last Thursday as he vetoed a controversial liquefied natural gas terminal under consideration called Port Ambrose 19 miles off shore from Long Island's famed Jones Beach.

Applause came from environmentalists and lawmakers concerned about greenhouse gases and threats to the fragile coastal ecosystem, as well as from a number who simply did not want to put at risk those superb beaches that are the signatures of the region.

The governor waxed eloquent about growing up just a short distance away in Queens and what this part of the world meant to him. He also recalled the horrors Superstorm Sandy brought to the region, how infrastructure can be easily destabilized under comparable circumstances with catastrophic results.

Indeed, the risk is not worth the reward.

Meanwhile, in southern Rensselaer County, residents are rightly up in arms over a proposed extension and expansion of the Tennessee Gas Pipeline through their backyard that would bring dirty natural gas, as in containing nasty stuff like benzene and formaldehyde, from the Pennsylvania fracking fields to the Boston area.

Parent company Kinder Morgan says the plan is to begin construction on about 250 miles of new pipeline in 2017. Between now and then, the explicit route the pipeline is to follow through Schodack, Nassau and Stephentown must be revealed as part of the licensing application process to be filed with the Federal Energy Regulatory Commission (FERC). That's expected within the next couple of weeks.

Pipeline surveying crews are out there now. Property owners who have not given permission, or even expressly refused permission, are finding these crews tromping on their property. The local stress and strain is rising rapidly, and with deer season just ahead confrontations should come as no surprise. The fear that down the road after a license is issued, eminent domain might be used to fill in the gaps for the pipeline is on a lot of minds.

As Nassau Town Supervisor Dave Fleming has noted, using eminent domain against Rensselaer County landowners to fulfill the pipeline's current seeming trajectory is a very bad plan. Unwise, and unnecessary. This is home, after all, to the 1840s Rent Wars. Don't test the notion that Don't Tread On Me applies only in New Hampshire. Besides, says Fleming, there are viable alternatives along the state Thruway and Mass Pike rights of way, and National Grid's, where they actually own the property as well.

The irritations for those living along the imagined corridor are multiple. It is the supreme arrogance of Kinder Morgan in showing no appreciation for local concerns, but plunging ahead with a pipeline path that was probably drawn by some pencil head in Texas with little regard for property owners, existing rights of way as alternatives, or unique typography. For example, ostensibly at risk is the wild Rensselaer plateau, an exceptional out-of-place ecosystem more in tune with the Adirondacks than the Catskills across the river. There are health

and safety considerations. Pipelines rarely explode, but it happens. Kinder Morgan has a less than stellar safety record. More often these 36-inch pipes, which are under extreme pressure, leak with all sorts of negative effects. Then there's a proposed massive 40-plus acre compressor station designed along side Burden Lake, a more predictable and constant air polluter, and just horribly out place.

It was the siting of this compressor station that is expressly discussed in a letter sent by our U.S. Sens. Kirsten Gillibrand and Chuck Schumer to FERC, strongly urging alternatives be considered. "The compressor station would stand alone as the only large industrial use in the middle of this existing residential community."

Last week, a fourth effort to hammer out a local law protecting wells and drinking water from the blasting anticipated with the pipeline construction was finally successful. The group Save Burden Lake was instrumental in persuading the Rensselaer County Legislature to accept tough conditions for blasting. The legislation requires the testing of drinking water within a mile radius of a blasting site, and a two-mile radius around any federal Superfund site, notably the PCB-laden Dewey Loeffel landfill. It sets standards for testing groundwater, and establishes strict responsibility. The proposed law will be voted on Nov. 23.

The purpose of the legislation, and it's to be applauded, beyond providing protection for residents is to significantly increase costs for Kinder Morgan in order to force considerations of alternatives in routing. Not to stop the pipeline, but to redirect it, which is a less problematic strategy. Although the need for a pipeline expansion is questionable.

In language strikingly similar to the governor's, U.S. Rep. Chris Gibson, who represents the region at risk, says he doesn't support the proposed Kinder Morgan pipeline. There's not a red cent in it for local property owners, especially galling considering the strong rumors Kinder Morgan is simply using the expanded pipeline to ultimately export gas for bigger profits. "They're asking us to take on all the risks (while we) get no benefits and so they're not going to have my support. In fact, they're going to have my vocal opposition," Gibson said.

Gibson said he has three criteria he uses to weigh support for a pipeline: local benefits, respect for property rights and safety records. The Kinder Morgan project falls short on all three.

So where then is the governor's eloquence in all this? Not a peep. "The risk is not worth the reward," is just as true for those who live and play around Burden Lake as those who cherish Jones Beach.

We're starting to get a whiff of a double standard here.

Long Island Sound projects to receive \$1.3M in grants

Newsday

By: Emily Dooley

November 12, 2015

A coalition of state and federal organizations announced \$1.3 million in grants Thursday to help government and community groups in New York and Connecticut protect Long Island Sound.

Of the 22 projects, nine are on Long Island and account for more than \$407,000 in funding. They include reducing storm-water pollution in Centerport, monitoring water quality in Hempstead Harbor and organizing beach cleanups.

Most Popular

The grants are meant to help fund protection and restoration work that in turn affects local communities and economies, Environmental Protection Agency New England Regional Administrator H. Curtis Spalding said in a statement.

"Long Island Sound is an amazing natural resource, which provides recreation and economic opportunities for millions of people," said Judith Enck, New York's EPA regional administrator. "These projects are smart investments that will improve water quality and build resiliency in shoreline communities."

The projects are paid for through the Long Island Sound Futures Fund, a pool of money supplied by the EPA, U.S. Fish and Wildlife Service, National Fish and Wildlife Foundation and Long Island Sound Funders Collaborative. Grant recipients also contribute money toward the projects.

Water

Huntington Town will receive more than \$137,000 to build a rain garden to catch runoff at Centerport Beach so it doesn't enter the watershed, fouling water quality in Northport Bay, maritime services director Ed Carr said.

"This could have a positive influence on the water quality there," Assistant Deputy Supervisor Philip Ingerman said.

Another \$45,000 will go to the Village of Sea Cliff to monitor water quality in outer and inner Hempstead Harbor, where a coalition of governments share costs evaluating pollution levels, Village Administrator John Mirando said.

The Long Island Futures Fund was created in 2005 and has invested \$14 million in 324 projects in areas surrounding the Sound. Grantees have matched with an additional \$28 million in funding.

Collectively, the projects have opened up 157 river miles for fish passage, restored 1,024 acres of open space and fish and wildlife habitat, and treated 100 million gallons of pollution.

Smoke and the City

11/14/2015

New York Times, The

Michael R. Bloomberg's initiative to end smoking in bars and restaurants, a ban that went into effect on a Sunday night in March 2003, was easily the greatest success of his mayoralty, one even his most impassioned detractors eventually came to applaud. We may never stop elegizing the meatpacking district's Florent and the fiery, diminished downtown bohemia the restaurant represented, but few of us miss coughing into a slab of bavette, whether it was because we ourselves were smoking or because the guy next to us, looking like Michel Houellebecq, was lifting a match to his fifth American Spirit. When the smoking prohibition took effect, fatalists predicted the decline of eating out, the end of fun, the death of the city. Revelry persevered.

The city, predictably, grew healthier. Today only 13.9 percent of adults in New York smoke, according to the city's health department. This represents a seven-point decline from the period before the smoking law was enacted, with a drop of more than two points over the past two years.

The Bloomberg administration had hoped to go even further; in 2012 it proposed a law that would have forced the owners of residential buildings to develop smoking policies and make them known to prospective buyers and tenants. Mr. Bloomberg argued, soundly enough, that such a statute already had an analog in laws that

require landlords to alert occupants to lead-paint dangers or a history of bedbugs. Nevertheless, the law did not pass.

The question of what should or should not be done to eliminate smoking in the home was revived the other day when the Department of Housing and Urban Development announced a proposal to prohibit "lit tobacco products" in the apartments and indoor common areas of the country's public housing system. Several cities have already implemented these policies on their own. In July, the commissioners of Philadelphia's Housing Authority, where 55 percent of tenants were said to favor smoke-free housing, voted unanimously to ban smoking. Housing authorities in Houston and Boston had adopted similar restrictions. New York, home to the largest and most complex public housing system, has not.

There are compelling reasons to limit smoking in multiple-unit dwellings across the city. Last year there were more than 26,000 structural fires in New York; among the top five causes of accidental fires investigated by the Fire Department, smoking ranked second. In 2014, a third of the accidental fires investigated by the city related to smoking; the year before, fewer than a quarter had. In a resident survey conducted in 2012 by the New York City Housing Authority, 24 percent of respondents reported that one household member currently smoked, while 34 percent of households with children reported that asthma had been diagnosed in at least one child at home. Beyond that, although 70 percent said they did not permit smoking at home, over half reported smelling secondhand smoke from a neighbor's apartment or from the grounds.

Targeting public housing residents exclusively brings with it, of course, the suggestion of condescension toward the poor. As news reports tell us, Representative Paul D. Ryan has been busy fumigating his new office to get rid of the lingering smell of cigarette smoke left by the former speaker of the House, John A. Boehner. No one told Mr. Boehner to quit smoking or get evicted.

"This is not a wise thing to do from a public relations point of view," a Housing Authority official from the Bloomberg years, who asked to remain anonymous while recalling conversations never meant to be public, told me. "The minute they go after an 85-year-old chain-smoking senior and kick her out, you know the story everyone is going to write," the official said, before making the case that secondhand smoke was not in fact at the forefront of residents' concerns. "People care a lot more about their repairs and maintenance -- that far outdistances any other complaints. The lifestyle issue that ranks in the top 10, and it is amazing how often it would come up, is urine in the elevators; people using the elevators as bathrooms."

As important as the antismoking campaign was to the Bloomberg administration's public-health agenda, banning smoking in public housing was essentially never a subject of serious discussion, because executing a ban seemed so difficult, and residents' policing one another seemed so improbable. The prohibitions against certain dogs according to size and breed only came about when the housing staff complained of getting bitten.

But smoking has arguably become even more stigmatizing in these intervening years, and it is possible that the current mayor, tainted less by a reputation for nanny-state fanaticism than his predecessor, may be a more viable messenger.

The health department currently works to reduce smoking in public housing by actively helping people quit. The city could also try to resurrect the initiative to restrict smoking in all apartment buildings, on the grounds that no family should ever lose all of its belongings because the drunken bond trader in 6G fell asleep on his MacBook Air with a lit cigarette. Some developers of luxury properties already designate no-smoking buildings, but adopting such a policy, in an existing co-op for example, is no simple thing, requiring the complicated process of amending proprietary leases. And enforcement is challenging anywhere. But a renewed conversation could at least get things moving toward the right place.

Protect sturgeon habitat in Genesee

11/13/2015

Rochester Democrat and Chronicle

Long runs the list of beautiful sights in a Rochester autumn. The falling leaves. The baskets of fresh apples. The hundreds of baby lake sturgeon swirling counter-clockwise down into the Genesee River.

These wriggly little babies are on the front lines of their species' fight for survival. Lake sturgeon had thrived in water bodies like the Genesee River and Lake Ontario for more than 100 million years. Having shared the Earth with the dinosaurs, they reigned as the oldest and largest fish native to the Great Lakes. Sadly, human behavior in the 20th century - overfishing, pollution, habitat destruction - nearly did them in.

In the early part of the 21st century, water quality in the Genesee River had improved, and the United States Geological Survey started hatching sturgeon to reintroduce into the river. The New York State Department of Environmental Conservation and the Seneca Park Zoo have joined the effort to rebuild the population, and since 2003, more than 5,000 sturgeon have been placed into the river.

The most recent release of about 950 babies took place a couple of weeks ago near Seth Green Island, which is a good place for them to find food. I rode along on the boat up the Genesee and wished the sturgeon good luck as they began their new lives in the wild. The sturgeon were a couple of inches long at release, but they may grow to more than 7 feet and 300 pounds. Female sturgeon can live up to 150 years.

Scientists are monitoring their progress with various recapture studies, including some that will be used to judge the health of the Genesee River. USGS research ecologist Dawn Dittman, a leader of the sturgeon project, said they are doing well. An estimated 93.5 percent of the 1,047 fish stocked in October 2013 were still present in October 2014. Dittman found a sturgeon earlier this year that was 40 inches long and weighed 25 pounds.

The DEC has committed to releasing 1,000 fish each year from 2013 to 2023. By then, hopefully sturgeon will start making their own babies. The species takes about 20 years to reach reproductive maturity. Dittman is trying to get funding to study potential spawning habitats and ways they might be improved before the oldest reintroduced fish are ready to reproduce in about five years.

Sturgeon spend much of their time at the bottom of the water and are characterized by an uneven tail, long torpedo shape and bony back and side plates. Fishermen who catch them should throw them back because the species remains threatened and are illegal to possess.

"Every sturgeon counts," said Jeff Wyatt, chair of the Department of Comparative Medicine at the University of Rochester and the director of wildlife health conservation at the Seneca Park Zoo. He encourages fishermen to check for a yellow tag on the fish, which should have a phone number that a person can call to report sturgeon observation and location information that can help with data collection.

People can help protect sturgeons' habitat by avoiding behaviors that pollute the Genesee River and Lake Ontario. For example, do not dump toxins like cleaning fluids and motor oil down storm drains. The U.S. Environmental Protection Agency estimates that American households improperly dump about 193 million gallons of used oil every year, or roughly the equivalent of 17 Exxon Valdez oil spills.

The sturgeon looked a little startled as the hatch at the bottom of the boat opened and they started getting sucked down into the Genesee. By now, though, they have probably gotten used to their new home. Let's do what we can to keep that home clean and hospitable for the years to come.

Tracing Cotton to Origin Nearly Impossible, Say Sustainability Experts

By Arleen Richards, Epoch Times | November 15, 2015

Last Updated: November 15, 2015 6:20 pm

Business, New York, Companies, NY News

NEW YORK—Cotton is a key input to the apparel industry and producing it accounts for 2.6 percent of global water use. For just one T-shirt made from conventional cotton, you need 2,700 liters (713 gallons) of water, and a third of a pound of chemicals. With sustainability becoming increasingly important, particularly to millennials, some designers want to make garments that are truly sustainable. The only problem is, they don't know where the cotton comes from.

“Of course nobody can really tell you who the cotton farmers are,” said founder and CEO of Sourcemap Leo Bonanni. “That’s because there’s hundreds of thousands of them,” he said of the farmers. Sourcemap is a new tool that maps the supply chain from beginning to end automatically based on your purchasing data.

Of course nobody can really tell you who the cotton farmers are.

Bonanni and four other panelists spoke at a sustainability forum at Columbia University on Nov. 11 about the challenges of tracing the sources of fabrics back to the original cotton farms. They said the reason is a lack of transparency, which has always been a tough hurdle to topple in the fashion industry.

The panelists agreed that even if you could do the research and find out who the suppliers are, there still isn't any innovative technology in place to track and store the data.

The Problem

Textile waste accounts for approximately 14.3 million tons of municipal solid waste generation—5.7 percent of total municipal solid waste generated in the United States, according to the Environmental Protection Agency. But most people in the fashion industry are not thinking about sustainability.

The “fashion industry is horribly unsustainable,” said Patrick Duffy, vice president of sustainability, manufacturing, & external affairs at Manufacture NY. He said getting people at the factory to recycle waste fabric material is hard enough because they are not in the habit of doing that.

But on a global level, which is where the hundreds of thousands of suppliers are located, it's like searching for a needle in a haystack to find out who was involved in making the fabric you bought.

“When responsible brands try to set up strong procurement processes for their contractors ... that's great,” he said, “But those contractors have 15 or 20 other subcontractors and who knows where they come from or what they're doing?”

And the smaller the company is “the fewer resources they have to really account for their suppliers, sub-suppliers, their undeclared sub-contractors,” said Bonanni. So it's even worse for consumers who haven't got a clue how that new organic T-shirt was made.

“The company you’re buying from probably has tens of thousands employed,” said Bonanni, so he doesn’t think executives have time to go visit suppliers. In 2013, there were 4.2 million people globally employed in the fashion industry, which represents a lot of supply chain to keep track of.

It’s bad enough that consumers can’t make informed decisions about what they are buying, but if you’re a business you “can’t even measure what your current impacts are much less try and mitigate the negative impacts you’re having,” according to Teel Lidow, founder of the sustainable fashion startup Boerum Apparel.

One T-shirt could have cotton from 100 different farms.

Lidow said one T-shirt could have cotton from 100 different farms. “It all gets mixed together at some point,” he said.

The cotton goes through clearing houses where it’s divided up based on grading rather than origin. “Any information is more or less stripped off it at that point,” he explained.

And not only that, but there are very diverse supply chains and not a lot of research on the different fibers. “For example, one piece of research on cotton could be completely irrelevant to cotton grown in another area,” chimed in Ruth Hsia Isenstadt, co-leader of a sustainable research team at Eileen Fisher.

Isenstadt said even if you do get the right information, there’s not always the technology or innovation available to actually come up with the solutions on how to use the fiber sustainably. And the research needed is costly.

Another barrier to sustainability is dye houses. An estimated 17 to 20 percent of industrial water pollution comes from textile dyeing and treatment, and an estimated 8,000 synthetic chemicals are used throughout the world to turn raw materials into textiles.

Scott Miller, director of Business Development at The Sustainable Apparel Coalition said, “Basically everything you have on you more likely than not in one way or another was dyed.” Unfortunately, this results in waterways around the world particularly in Asia becoming “colorfully polluted,” he said.

China’s textile industry processed 41.3 million tons of fiber in 2010 and accounted for 53 percent of the world’s total production. In Hong Kong alone, 234 tons of textiles went into landfills.

Glimmer of Hope

The Better Cotton Initiative (BCI), a project of WWF Global aimed at finding sustainable solutions for farmers, recently reported dramatic growth in sustainable cotton farming. Its holistic approach to sustainable cotton production is designed to encourage the scaling up of collective actions in three key sectors—environmental, social, and economic—to establish “Better Cotton.”

In 2014, 1.2 million farmers participated in the program, a 79 percent increase from the prior year. Farmers get support and training in growing cotton from experienced partners at the field level. Participants are encouraged to spread the word about the program by communicating results from the field. Monitoring and evaluation mechanisms are in place to ensure improvement and change.

BCI reports that farmers in the program produced 2 million metric tons of Better Cotton, which is up 118 percent. It estimates a 7.6 to 11 percent increased growth in global production in 2015.

And BCI is keeping track of the supply chain. It connects supply and demand for retailer and brand members of the Better Cotton supply chain.

While the BCI program looks promising, the sustainability panel thinks the fashion industry still has a long way to go in getting the supply chain completely sustainable.

“In order to get suppliers on board with sustainability work, you have to have some type of leverage in the industry,” said Isenstadt. But for now, these sustainability gurus are painstakingly taking it one step at a time and hoping for the next great technology innovation.

Herbicide is heavily sprayed on 84 percent of GMO crops

11/14/2015

Buffalo News, The

Health and food safety are hot-button issues for millions of Americans - and rightly so.

Polls indicate alarm over the contamination of everyday foods by pesticides, antibiotics, hormones, synthetic additives and, especially, genetically modified organisms (GMOs).

A recent New York Times poll found that 93 percent of Americans want GMOs labeled, an action already required by 64 nations.

Two-thirds of Americans believe that GMOs are unsafe. Millions of consumers are switching over to non-GMO, organic foods, and as a result organics have moved from a niche market into a \$40 billion powerhouse.

Indeed, Americans now spend more than 10 cents of every food dollar for items that are labeled "organic," "non-GMO" or "natural."

A series of highly publicized GMO labeling ballot initiatives in California, Washington and Oregon have fueled the fires of the "Frankenfoods" controversy - with Big Food and chemical companies spending vast sums to stop labeling.

Vermont, Maine and Connecticut have passed popular laws requiring labeling of GMOs. Eight counties in California, Washington, Oregon and Hawaii have banned GMO crops altogether.

Vermont's mandatory GMO labeling law goes into effect in July 2016, causing near-panic among major food brands, who face the dilemma of either removing all GMO ingredients from their products, which is what happened in the European Union after GMO food labeling became mandatory in 1998, or affixing what Monsanto has called a "skull and crossbones" GMO label on the front of their packages and bottles.

Eighty percent of supermarket foods now contain GMOs and the toxic chemicals sprayed on GMOs.

In March, the International Agency for Research on Cancer of the World Health Organization declared Monsanto's Roundup glyphosate herbicide a "probable carcinogen."

That prompted the banning of all GMO cultivation in several dozen nations, including Germany, France, Italy, the Netherlands, Austria, Poland, Greece, Hungary, the United Kingdom, Russia and Denmark.

In the United States, the glyphosate herbicide currently is sprayed heavily on 84 percent of all GMO crops, including corn, soybeans, canola, sugar beets, cotton, alfalfa, wheat, beans and rice.

In California, authorities announced that Monsanto's glyphosate would be added to its list of cancer-causing chemicals requiring special monitoring and warning signs.

The Environmental Protection Agency previously acknowledged that long-term exposure to glyphosate can cause kidney and reproductive damage. And a report by a senior researcher at the Massachusetts Institute of Technology last year connected glyphosate to damage to the human gut and digestive system, as well as hormone disruption, impaired liver detoxification and lowered nutrient absorption.

Meanwhile, with the rise of GMO-induced superweeds on the majority of U.S. farmland, the EPA, U.S. Department of Agriculture and Food and Drug Administration have given the green light to a controversial new generation of GMO crops that can be sprayed with dicamba and other strong toxicides including 2,4-D - a component of Agent Orange.

Billions of pounds of glyphosate, atrazine, 2,4-D and other toxic pesticides are now being sprayed on our food, accompanied by billions of pounds of highly polluting chemical fertilizers.

This GMO/chemical onslaught is destroying our health and contaminating our soils, surface waters and air. Meanwhile, the emissions from industrial farming have become major factors in global warming.

Americans want GMO labeling. Unfortunately Monsanto, Big Food and their minions in the U.S. Congress have decided that you, the consumer, have no right to know what's in your food.

In July, the U.S. House of Representatives passed a highly unpopular law taking away states' and consumers' rights to require labels on GMO foods.

The law also makes it legal to fraudulently label GMO and chemical tainted foods as "natural." Now this bill, dubbed the DARK (Deny Americans the Right to Know) Act, goes to the Senate.

Americans can help stop passage of the DARK Act by picking up their cellphones and texting LabelGMO to 97779. Tell Congress you want mandatory labels on GMOs.

Ronnie Cummins, a leading global food activist, is the executive director of Organic Consumers Association, a nonprofit, U.S.-based network of 850,000 consumers, and the author of "Genetically Engineered Foods: A Self-Defense Guide for Consumers."

Should the FDA require special labeling of genetically modified foods?

11/14/2015

Buffalo News, The

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Christie only thing blocking offshore wind development

Letter to Editor

updated November 15, 2015 at 9:33 AM

The Jersey Journal

The Department of Interior has auctioned off 343,833 acres of federal waters of the coast of Atlantic City for commercial wind development. Two companies have won the bids and they're ready to move forward with offshore wind. With these leases, it's no longer a matter of if we will have offshore wind, but when. Having these leases finalized is good news for clean energy and jobs. NJ could use offshore wind to power 1.2 million homes.

NJ could be a national leader on offshore wind and fighting climate change. Wind energy is renewable, clean, and creates thousands of jobs. It generates electricity without air pollution. Offshore wind will provide electricity and jobs to places where it's needed most. We have developers willing to invest and build offshore wind facilities off the coast. There's only one thing standing in the way: Governor Christie.

We've been waiting five years for a financing mechanism to make offshore wind in NJ a possibility. Five years ago Governor Christie signed the Offshore Wind Act, but since then he has repeatedly blocked efforts to have wind turbines off our coast.

This means that even with leases off our coast, these companies may not be able to build windmills until NJ puts in place financing mechanisms. The leases are sold and the developers are ready to build. Everyone in NJ is ready for wind energy except Governor Christie. Due to his national political ambitions he is holding our coasts, our environment, and thousands of jobs hostage.

JEFF TITTEL

DIRECTOR, NEW JERSEY SIERRA CLUB

Another Voice: New Yorkers will pay dearly for wind tax credit

By Thomas J. Pyle

on November 16, 2015 - 12:01 AM

Opinion, Buffalo News

Here's a question New York's U.S. senators and all 27 of its representatives should answer: Do you support raising Empire State gas and electricity bills by more than \$1,100 in the next five years?

That may seem like a silly question. After all, no politicians go to Washington promising to make life harder for their constituents, especially low- and middle-income families. Yet that's exactly what's at stake with Congress' coming vote to renew the wind Production Tax Credit (PTC).

The wind PTC, which expired last year, gives wind producers a 2.3-cent tax credit for every kilowatt hour of electricity produced over 10 years. Since 2008, it has cost U.S. taxpayers at least \$7.3 billion. And when combined with other federal subsidies, New York taxpayers forked over \$1.5 billion to corporate wind facilities between 2005 and 2014, according to a new study by my sister organization, the Institute for Energy Research.

And now, if industry lobbyists get their desired two-year PTC renewal, it will cost taxpayers another \$10 billion in corporate welfare.

Enough is enough. Wind advocates have claimed for decades they wouldn't need handouts within a few more years – claims that have proven wrong time and again. Wind's recent history illustrates this reality. When the PTC is active – aka, when the tax spigot is open – new wind installations soar. When it's temporarily expired and no more tax dollars are available, installations plummet.

This points to a simple conclusion: Wind companies can't cut it without taxpayers propping them up.

That it's corporate welfare and drives up energy bills should be reason enough for Congress to oppose the PTC. But this year, there's another: It's the only meaningful way for Congress to impede President Obama's reckless climate agenda.

The centerpiece is the Environmental Protection Agency's new regulation on existing power plants. It would force New York to cut carbon dioxide emissions by 20 percent by 2030. This will require fundamentally restructuring state energy grids. Economists at Energy Ventures Analysis estimate it will cost New York families over \$1,100 in higher gas and electricity bills by 2020. After that, NERA Economic Consulting predicts average electricity price increases of 11 percent from 2022 to 2033, peaking as high as 15 percent in a single year.

But here's the thing: This regulation won't work without dramatically increasing the use of wind power.

In this way, the PTC forces both of New York's senators and all of its representatives to make a clear choice: either vote for Obama's climate agenda and raise electricity prices on New York families, or protect their constituents by opposing any effort to revive the expired PTC. It's a no-brainer, even for Congress.

Thomas J. Pyle is president of the American Energy Alliance.

Municipalities band together to try to address sewer woes

By DON LEHMAN dlehman@poststar.com

Nov. 15, 2015

PostStar.com

A group of local communities has received an \$845,000 state grant to find ways to work together to address continuing wastewater and solid waste disposal issues that hinder business growth in some parts of the region.

The municipalities of Glens Falls, Queensbury, Kingsbury, Moreau and the Washington County Sewer District will also contribute \$29,000 apiece to the effort, whose goal is to collaboratively solve capacity issues at the two wastewater treatment plants and improve disposal of material such as restaurant grease and food waste.

The money was received as a “local government efficiency” grant through the Adirondack Gateway Council and is being overseen by EDC Warren County.

Ed Bartholomew, EDC’s president, said the goal is to work together. Committees have been set up with representatives of each municipality and the Fort Edward-based sewer district reviewing issues and possible goals, including a potential sewer district covering the region.

“This group is looking for a regional answer,” Bartholomew said. “It is very important for future growth in our region.”

“There’s no sense in us (the municipalities) looking at this individually; it should be looked at regionally,” said Queensbury Supervisor John Strough.

The first part of the review will look at how food waste — including grease trap collections — is handled, and review whether a regional facility could be a better solution.

Strough said “disposing of biosolids in a green way” is a priority for Queensbury, with more than 100 restaurants producing waste that needs to be handled.

A regional composting plant, which could also potentially assist the state prisons in Fort Ann with food disposal, could be an answer, Strough said. Composting could produce fertilizer.

“We could come out of it with something farmers can use,” he said.

Part of the review will include a look at whether the region’s two biggest municipal wastewater plants, both of which discharge into the Hudson River, can share personnel, purchasing, equipment or other resources to cut costs.

“We will evaluate where we can share services between the Glens Falls and Washington County wastewater plants,” Bartholomew said.

The questions of where municipalities such as Kingsbury, Queensbury and Moreau — which don’t have wastewater treatment plants of their own — hook in needs to be addressed as well, Bartholomew said.

Coal Not Going Away Anytime Soon Despite Renewables Push

By THE ASSOCIATED PRESS

NOV. 16, 2015, 12:33 A.M. E.S.T.

NY Times

BEIJING — Coal: Can't live with it and can't live without it — at least not yet.

It is the biggest source of heat-trapping greenhouse gases that negotiators around the world hope to limit in an agreement to be thrashed out in Paris next month.

Demand for coal is leveling off, but it will remain a key energy source for decades, no matter how many billions of dollars of investment go into cleaner energy like wind and solar. Too much of the world depends on it now for heating and power generation for us to suddenly live without it.

There are vast parts of the developing world that will continue to see growth in demand for electricity, driven by sales of televisions, refrigerators and the construction of highways and malls as incomes increase, said Xizhou Zhou, the China chief for energy consultants IHS Energy.

"The cheapest way to provide electricity in many of these places is still coal-based," Zhou said.

This underlines the challenge facing negotiators who will convene in Paris Nov. 30 to agree on how to limit emissions of fossil fuels. Scientists say coal, oil and gas emissions, including carbon dioxide and methane, are key drivers of rising temperatures that could lead to intense droughts or flooding of island nations.

EDITOR'S NOTE: This story is part of an occasional series focusing on the science, the costs and the challenges of climate change around the world ahead of a critical summit in Paris.

Abundant and cheap, coal emits not only soot but double the greenhouse gas emissions per unit of energy of natural gas.

In recent years, slowing economic growth, gains in energy efficiency and advances in renewable-energy production have dampened demand for coal in key markets. Stricter air emissions regulations in Europe, the production of shale gas in the U.S. and the restructuring of the Chinese economy away from heavily polluting industries are all weighing down on demand.

An analysis released Monday by the Institute for Energy Economics and Financial Analysis suggests coal consumption peaked globally in 2013 and is set to decline a further 2 to 4 percent in 2015 because of declining consumption by China and other big coal consumers.

The institute said China's coal consumption had fallen 5.7 percent from January to September. In the U.S., domestic consumption was down 11 percent and coal's share of the electricity market has fallen to 35 percent, from 50 percent a decade ago. Record-low U.S. gas prices, record expansion of renewable energy and a decoupling of electricity demand from economic growth are "permanently eroding" coal demand in the U.S., the Cleveland, Ohio-based IEEFA said.

Still, coal provides more than 40 percent of the world's electricity and 29 percent of its energy supply, second only to oil at 31 percent, according to the Paris-based International Energy Agency. The agency projects coal consumption to continue growing somewhat in coming years, largely owing to increased coal demand in India and Southeast Asia.

Coal's future is closely tied to China, the world's biggest coal user, producer and importer. It burns 4 billion tons of coal a year, four times as much as the United States.

Coal accounts for nearly two-thirds of China's energy, but in 2014 its coal consumption fell 2.9 percent year-on-year according to official statistics, or 2.6 percent according to the IEEFA report — the first annual decrease in 15 years. A revision to official Chinese data released earlier this year showed the country had greatly underestimated its coal consumption from 2000 to 2013, but still showed a dip last year.

Beijing is trying to reduce dependency on coal to ease air pollution by switching to natural gas in major cities.

China also has become a leader in clean energy. Last year, it invested more in renewable power and fuels and had more hydropower and wind capacity than any other country, and was second to Germany in solar capacity, according to a report earlier this year by REN21, a Paris-based nonprofit group that promotes renewable energy.

The cost of renewable energy is becoming more competitive every year, while coal-fired power plants are increasingly expensive as air pollution controls grow more stringent.

"You have got a wave of new technologies and investments coming where historically power grids were heavily reliant on coal," said Tim Buckley, a Sydney-based energy analyst with the Institute for Energy Economics and Financial Analysis.

The continued development of wind, solar and hydropower is good for combatting global warming, "but that's almost an ancillary benefit — the key drivers are economics, technology, leadership and energy security and air and water pollution," Buckley said.

India, the nation with the third-highest carbon emissions after China and the U.S., is at a point where both clean and dirty energy are being scaled up. About a fifth of its more than 1.2 billion people still lack electricity.

India plans a fivefold boost in renewable energy capacity in the next five years to 175 gigawatts, yet it is also planning to expand coal power. Coal-fired plants account for about 60 percent of India's installed power capacity.

Zhou, of IHS, said the coal industry is waiting to see if a Paris agreement would spur new laws requiring coal plants to limit carbon emissions, in the way they have been required to limit particulate matter in the past. This would mean they either find technology to reduce plant emissions or switch to natural gas or other energy sources.

Ultimately, the world needs to decide how much energy from fossil fuels is "reasonable" considering the consumption patterns and development stages of different countries, he said.

"But that's a very controversial task because politicians in developed countries may have to bring a plan back to their respective countries and say, 'We have to change our lifestyle. We cannot consume nearly as much as energy as we consume today.'"

Should the U.S. End the Ethanol Mandate?: Detractors say it's bad for both consumers and the environment. Supporters say it's needed for the continued development of alternative fuels.

Nov. 15, 2015 10:11 p.m. ET

Opinion, Wall St. Journal

The Renewable Fuel Standard, otherwise known as the ethanol mandate, requires refiners to blend an increasing amount of biofuels into the U.S. gasoline supply each year.

Created in 2005, the standard was meant to help reduce carbon emissions as well as U.S. dependence on foreign oil. But critics question how much it has helped on either score. Some say corn ethanol, the fuel most commonly blended with gasoline under the standard, actually worsens pollution. Others say the domestic oil boom has done far more to wean the nation off foreign oil.

May, the Environmental Protection Agency proposed scaling back the volume targets for renewable fuels under the mandate, in part because advances in fuel efficiency mean drivers are using less gas than the law envisioned. The agency also cited limited availability of renewable fuels made from products other than corn.

The proposal drew criticism from environmentalists, as well as the ethanol and corn industries, who argued it was a step back from the law's purpose. But some refiners said it wasn't scaled back enough. The new targets are set to be finalized later this month. Meanwhile, the debate over the standard continues.

Robert Bryce, a senior fellow at the Manhattan Institute for Policy Research, says the ethanol mandate is bad for consumers and the environment. Margo T. Oge, a former director of the Office of Transportation and Air Quality at the Environmental Protection Agency, says the Renewable Fuel Standard is crucial to the development of a range of alternative fuels.

YES: It Hurts Consumers, Adds to Pollution And Hasn't Cut Oil Imports

By Robert Boyce

Congress approved a 40-cent-per-gallon subsidy for corn ethanol way back in 1978, the same year the Bee Gees were topping the pop charts with their disco hit "Stayin' Alive." Paying to support corn ethanol was a bad deal then. It's an even worse deal now.

Taxpayers are no longer directly subsidizing ethanol producers, but the Renewable Fuel Standard requires retailers to blend about 13 billion gallons of corn ethanol a year into the gasoline they sell to the public. That mandate hurts consumers, is bad for the environment and does effectively nothing to reduce America's need for foreign oil.

Paying at the pump

Ethanol costs motorists at the pump. The ethanol clique frequently claims its fuel is cheaper than gasoline. While that may be true by volume, the posted price doesn't reflect ethanol's lower energy density. It takes about 1.5 gallons of ethanol to produce the energy contained in a gallon of gasoline. Data collected by the state of Nebraska (the country's second-largest ethanol producer, behind Iowa) since 1982 shows that when measured on an energy-equivalent basis, ethanol has always been more expensive than gasoline.

As I showed earlier this year in a report for the Manhattan Institute, the ethanol mandate is now imposing \$10 billion a year in additional fuel costs on motorists, compared with what they would have paid for gasoline alone—about \$47 a year for the average driver.

The ethanol mandate also results in more greenhouse gases. In May, Emily Cassidy, a research analyst at the Environmental Working Group, issued a report that found that corn ethanol emits 20% more carbon dioxide per unit of energy produced than standard gasoline. In 2014, domestic corn ethanol consumption "resulted in 27 million tons more carbon emissions than if Americans had used straight gasoline in their vehicles," the report said. In August, John DeCicco, a research professor at the University of Michigan's Energy Institute, found that greenhouse-gas emissions from corn ethanol are as much as 70% higher than those from standard gasoline.

The imports story

Now, let's look at oil imports. Since the 1970s, ethanol boosters have been using the boogeyman of foreign oil to justify subsidies and mandates for their fuel. The result: Ethanol distilleries are now consuming nearly 40%

of all domestic corn output to produce fuel equivalent to about 600,000 barrels of oil a day. And it took nearly four decades of federal subsidies and mandates to get the ethanol sector to that size.

Meanwhile, domestic oil production has increased by more than 3.6 million barrels a day since 2006. Thus, in less than a decade, the oil sector has increased production by six times the total output of every ethanol distillery in America. That's why we're importing less foreign crude.

The always-distant dawn of "advanced" biofuels is no reason to keep the Renewable Fuel Standard alive. We've been enduring the hype about them since the days of Donna Summer, Studio 54 and "Saturday Night Fever." Yet, despite lavish federal subsidies and mandates, those next-generation biofuels have yet to be produced in significant quantities at competitive prices.

If gasoline retailers want to add ethanol to their fuel, it should be their prerogative, not a federal mandate. It's time for Congress to pull the plug on this disco-era energy policy.

Mr. Bryce is a senior fellow at the Manhattan Institute for Policy Research. His latest book is "Smaller Faster Lighter Denser Cheaper: How Innovation Keeps Proving the Catastrophists Wrong." He can be reached at reports@wsj.com.

NO: It's Needed to Develop The Next Generation Of Alternative Fuels

By Martha Oge

The debate over the Renewable Fuel Standard often falls into a predictable—and misleading—rut: corn ethanol versus petroleum. This discussion is a distraction from the bigger issue: how to develop and scale up the next generation of biofuels, like cellulosics.

So let's get two things out of the way.

First: The RFS is not just an ethanol mandate. It also encourages the development of advanced biofuels made from cellulosic feedstock like wood chips, grasses, corn stover (the leaves and stalks left behind after harvesting) and other nonedible plants.

Yes, currently corn ethanol is by far the biofuel most commonly blended with gasoline under the RFS. But that isn't the disaster corn ethanol's critics make it out to be.

There are many studies on the environmental impact of corn ethanol. While some are more pessimistic, many agree with the Environmental Protection Agency's 2010 analysis showing that corn ethanol is cleaner than gasoline.

This year, for instance, the California Air Resources Board concluded, after five years of expert reviews and public engagement, that corn ethanol from a typical Midwestern facility is 20% cleaner than gasoline, similar to the EPA results.

So, the status quo is not harming the environment, it's helping.

But it's the future we should be focusing on. Advanced biofuels from cellulosic feedstock provide an 80% reduction in carbon pollution compared with gasoline. The RFS is driving development of these advanced biofuels.

Unintended consequences

Second: Getting rid of the RFS isn't going to get rid of corn ethanol, nor will it significantly affect the price of gasoline.

The RFS has gotten the proportion of ethanol in gasoline up to about 10%. Today, that is a way of life for gasoline producers—ethanol is a cost-effective way for them to increase octane levels and reduce emissions.

Now that it is an established gasoline additive, gasoline producers will continue to blend ethanol at similar levels with or without the RFS.

If repealing the RFS wouldn't get rid of corn ethanol, what would it do? It would end investment in the next generation of fuels.

Stability is crucial

Companies are investing money, technology and brainpower into facilities that will produce cellulosic ethanol from corn stalks. Production of biodiesel, renewable natural gas from wastes and other advanced fuels is also surging. There's an emerging market, and jobs being created, in advanced fuels. These are the fuels that ultimately will reduce our dependence not only on foreign oil but on any oil.

But, as with other emerging technologies, companies need to see long-term policy stability to continue expanding investment. This is exactly what the Renewable Fuel Standard offers. Eliminating the standard because of its corn ethanol mandate would undermine much of this important progress.

The Renewable Fuel Standard isn't a perfect policy, but it's a critical piece of a lower-carbon future. With the continuing development of a range of alternative fuels, we are on a path to a more diverse, more climate-friendly fuel mix.

Without the RFS, that wouldn't have happened. Abandoning that progress now just doesn't make sense.

Ms. Oge is a former director of the Office of Transportation and Air Quality at the Environmental Protection Agency. She is the author of the book "Driving the Future: Combating Climate Change With Cleaner, Smarter Cars." She can be reached at reports@wsj.com.

Message

From: Story, Karen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FFF41F1CC124408DB453568EE46259F4-STORY, KAREN]
Sent: 10/23/2017 5:08:54 PM
Subject: FW: Regional News Clips - Monday, October 23, 2017

From: Story, Karen
Sent: Monday, October 23, 2017 11:01 AM
Subject: Regional News Clips - Monday, October 23, 2017

Region 2 News Clips

Legislators Call for More Hudson River Dredging (DREDGING TODAY; October 23, 2017)

"As the EPA report states, it will likely take 'several decades at least' for natural attenuation to gradually achieve a long-term remediation goal." the members wrote in their joint letter to the EPA Administrator.

Drones used for science of the future in the Meadowlands (BERGEN RECORD; October 21, 2017)

For a long time, scientists kept an eye on the Meadowlands using an old-school tethered red balloon with a camera dangling from it.

Legislators urge more Hudson dredging (DAILY GAZETTE; October 20, 2017)

ALBANY -- With the U.S. Environmental Protection Agency continuing to review whether PCB dredging in the upper Hudson River was successful, U.S. Sen. Kirsten Gillibrand and several members of Congress on Friday urged more dredging.

Gillibrand, Tonko seek more cleanup of PCBs in the Hudson (Albany Times Union; October 20, 2017)

U.S. Sen. Kirsten Gillibrand and six Congress members from New York are pushing the U.S. Environmental Protection Agency to declare more work is needed on the \$1.7 billion PCB cleanup of the Hudson River.

Officials estimate Massena cleanup in Grasse River will take five years (NORTH COUNTY NOW; October 20, 2017)

Arcadis and the Environmental Protection Agency officials estimate a five-year project to remediate pollution in the Grasse River caused by Alcoa.

Niagara Falls mayor welcomes scrutiny of sewage scourge (BUFFALO NEWS; October 20, 2017)

Niagara Falls Mayor Paul Dyster welcomed more than 300 Great Lakes advocates to the region this week by asking them if they'd heard about the late July black sewage discharge at the American Falls.

High Arsenic Levels in Some Private Wells in New Jersey (NJ SPOTLIGHT; October 20, 2017)

A new study by the U.S. Geological Survey and the Centers for Disease Control and Prevention estimates about 2 million Americans may be getting their drinking water from private wells considered to have high concentrations of arsenic.

Water Experts Tout Progress In Saving Long Island Sound (CBS NEW YORK; October 20, 2017)

Dozens of water experts gathered at the Merchant Marine Academy with a vision for the future of Long Island Sound.

National News

EPA keeps scientists from speaking about report on climate (ABC NEWS; October 23, 2017)

The Environmental Protection Agency has kept three scientists from appearing at an event in Rhode Island about a report that deals in part with climate change.

EPA Administrator Scott Pruitt's claim that the U.S. is 'leading the world' in 'CO2 footprint' reductions (WASHINGTON POST; October 23, 2017)

"We are leading the nation — excuse me — the world with respect to our CO2 footprint in reductions."
— **Scott Pruitt, administrator of the Environmental Protection Agency, during an interview on Fox News's "Your World," Oct. 17, 2017**

Construction starts in Bennington on waterlines to homes with tainted wells (WNYT NEWS; October 20, 2017)

Officials say construction has started on an extension of a municipal waterline in Bennington and the village of North Bennington to properties with private wells contaminated with the chemical PFOA, a suspected carcinogen.

U.S. Ocean Observation Critical to Understanding Climate Change, But Lacks Long-Term National Planning (ENN; October 20, 2017)

The ocean plays a critical role in climate and weather, serving as a massive reservoir of heat and water that influences tropical storms, El Niño, and climate change. In addition, the ocean has absorbed 30 percent of the carbon dioxide associated with human activities, lessening the climate effects of fossil fuel combustion.

NOAA, NASA team up again to investigate the atmosphere over Antarctica (ENN; October 20, 2017)

Thirty years after NASA and NOAA launched a groundbreaking airborne campaign to study the Antarctic ozone hole, the two federal science agencies have once again joined forces over the world's highest, driest and coldest continent to sniff out the secrets of the atmosphere.

Study: Pollution kills 9 million a year, costs \$4.6 trillion (ABC NEWS; October 20, 2017)

Environmental pollution — from filthy air to contaminated water — is killing more people every year than all war and violence in the world. More than smoking, hunger or natural disasters. More than AIDS, tuberculosis and malaria combined.

Contaminants taint some NE Ohio water, but EPA says safe to drink (CLEVELAND.COM; October 20, 2017)

Potentially carcinogenic byproducts from improperly treated drinking water were found in three Northeast Ohio water systems in 2014-2015, according to a new report by an environmental research group.

Pollution Is Deadlier Than War, Disaster, Hunger, Study Finds (NBC 4 NEWS; October 20, 2017)

Environmental pollution — from filthy air to contaminated water — is killing more people every year than all war and violence in the world. More than smoking, hunger or natural disasters. More than AIDS, tuberculosis and malaria combined.

California fires are causing a run on face masks. Warning: flat blue masks won't work (USA TODAY; October 20, 2017)

Home Depot is sold out of face masks, people sleeping in shelters have bandanas tied around their faces and residents even 50 miles away from the fires in northern California find themselves coughing and hacking as smoke and haze blanket the area.

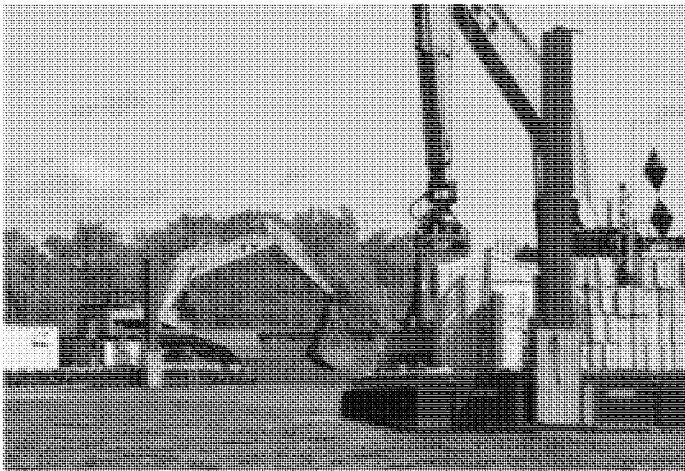
Full Articles

Region 2 News

DREDGING TODAY

Legislators Call for More Hudson River Dredging

October 23, 2017



U.S. Senator Kirsten Gillibrand, a member of the Senate Environment and Public Works Committee, and U.S. Representatives Sean Patrick Maloney, Paul Tonko, Nita Lowey, Carolyn Maloney, Jerrold Nadler and Eliot Engel wrote to the Environmental Protection Agency (EPA) last week calling on Administrator Scott Pruitt to initiate further dredging to clean up PCBs in the Upper Hudson and investigate the contamination in the Lower Hudson.

"As the EPA report states, it will likely take 'several decades at least' for natural attenuation to gradually achieve a long-term remediation goal," the members wrote in their joint letter to the EPA Administrator.

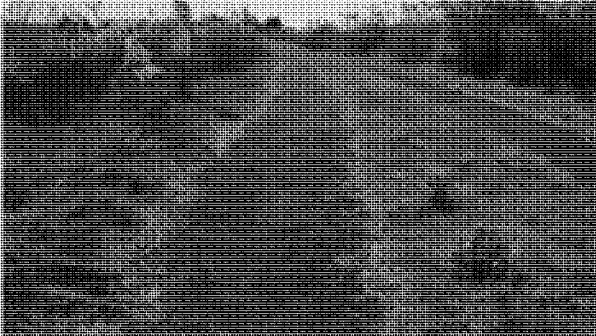
"EPA's draft report also states that PCB levels in fish and sediment are higher than the original remedy expected, and the final review report must outline specific steps EPA intends to take to investigate and remediate downriver contamination...."

"We call on you to conclude that the remedy for the entire Hudson River Superfund site is "not protective," and remove the finding that it "will be protective," paving the way for the Hudson to receive the cleanup it deserves," the letter said.

Drones used for science of the future in the Meadowlands

By Katie Sobko

October 21, 2017



Meadowlands Environmental Research Institute (MERI) scientists will demonstrate state-of-the-art drones that the Institute recently acquired.



20030371A Bergen; Lyndhurst 10/20/2017 A drone used by Meadowlands Environmental Research Institute (MERI) scientists to survey areas that are inaccessible by conventional means.

For a long time, scientists kept an eye on the Meadowlands using an old-school tethered red balloon with a camera dangling from it.

"We would just set it up and it took pictures until the memory card was full," said Meadowlands Environmental Research Institute Director Francisco Artigas.

That method is being replaced. The research institute joined the next generation in eco-system research this year when they bought two sophisticated drones.

Now the institute will be able to conduct better site assessments, inspections and wetlands surveys, identify marsh plant communities and invasive species, and do terrain modeling.

"This is a metro urban area that has a lot of open space, Artigas said. The New Jersey Sports and Exposition Authority monitors it, and this [the drones] will help with the science end."

The drones represent the start of a new era of innovation and technology for acquiring images, and will significantly improve the institute's ability to perform research on the Meadowlands' unique urban eco-system, researchers said.

Four members of the institute staff received six months of training for the 107 FAA certification necessary to fly the drones. Each launch includes three people, a pilot and two observers that "need to always be looking at the drone," Artigas said.



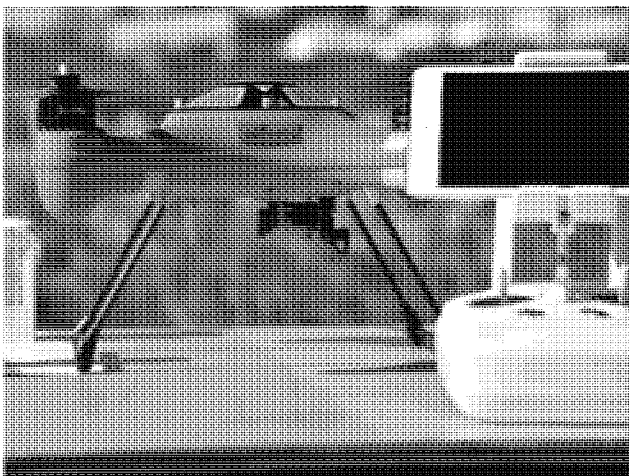
Scientists demonstrate a drone used by the Meadowlands Environmental Research Institute (MERI) to survey areas that are inaccessible by conventional means. (Photo: Chris Monroe/NorthJersey.com)

The drones are necessary because some areas of the Meadowlands are difficult for people to get to. Artigas said the institute is working to develop sensors that can do more work with the drones.

"We can collect water samples, but we want to be at the forefront of this," Artigas said. "We are seeking partners for this because it is a whole field only now opening up."

During the high season, between May and November, Artigas hopes to be able to use the drones about once a week, but does say they "need certain conditions" to launch the drones.

Wind speeds can't exceed 10 miles per hour. Overcast skies are better, but sunny skies will work too. The imaging drone costs about \$2,000 and the one used to collect soil and water samples costs \$2,500.



A drone used by Meadowlands Environmental Research Institute (MERI) scientists to survey areas that are inaccessible by conventional means. (Photo: Chris Monroe/Special to NorthJersey.com)

The Meadowlands consists of more than 9,000 acres of both native and invasive species. In addition to the plant and animal life, the scientists monitor things such as water quality.

When using the balloon, assessments would take a whole day, and much of it was done by chance, said Artigas.

"We just set it up and then the balloon would go where the wind was blowing," Artigas said.

Things are different now though. The two drones are faster. The location of the research area can even be pre-programmed.

"We have a drone that can take videos and still photography and measure elevation, and one that is for carrying things and picking up samples. That one is our pick-up 'truck,'" Artigas said. "These help get better quality information."

That information is useful to scientists not just for research in a lab, but for the future of the Meadowlands because it helps them to decide which projects to invest in, Artigas said.

"This is a way to have detailed maps of what's here," Artigas said. "We can work with federal and state officials to prioritize what to do with the land in the future."

DAILY GAZETTE

Legislators urge more Hudson dredging **Reviews will take place every five years, under EPA order**

By Stephen Williams

October 20, 2017



ALBANY -- With the U.S. Environmental Protection Agency continuing to review whether PCB dredging in the upper Hudson River was successful, U.S. Sen. Kirsten Gillibrand and several members of Congress on Friday urged more dredging.

The letter to EPA Administrator E. Scott Pruitt said the legislators have "serious concerns" with whether the \$1.7 billion dredging project conducted between 2009 and 2015 was successful in reducing PCB levels in fish and improving the river's health.

"We call on you to conclude that the remedy for the entire Hudson River Superfund site is 'not protective,' and remove the finding that it 'will be protective,' paving the way for the Hudson to receive the cleanup it deserves," the legislators wrote.

The PCBs -- polychlorinated biphenyls -- were discharged from General Electric plants in Hudson Falls and Fort Edward between 1946 and 1977. GE has paid for the cleanup under an EPA order issued in 2002.

The current EPA review is required under the EPA order, and similar reviews must be conducted every five years. The agency's preliminary conclusion is that, while it will be as long as 50 years before fish from the river are safe to eat, the work done to date "will be protective" of the river, and no more dredging is needed. The EPA project manager has also said addition dredging wouldn't make a significant difference in the river's recovery time.

The letter was signed by Gillibrand, U.S. Rep. Paul Tonko, D-Amsterdam, and five Democratic members of Congress representing the lower Hudson Valley or New York City: Sean Patrick Maloney, Nita Lowey, Carolyn Maloney, Jerrold Nadler, and Eliot Engel.

EPA officials have received more than 1,000 public comments about the dredging that are now being reviewed.

ALBANY TIMES-UNION

Gillibrand, Tonko seek more cleanup of PCBs in the Hudson

By Matthew Hamilton

October 20, 2017

U.S. Sen. Kirsten Gillibrand and six Congress members from New York are pushing the U.S. Environmental Protection Agency to declare more work is needed on the \$1.7 billion PCB cleanup of the Hudson River.



Rep. Paul Tonko and Sen. Kirsten Gillibrand. (Michael P. Farrell, Times Union)

In a letter Wednesday to EPA Administrator Scott Pruitt, Gillibrand and the other lawmakers said the seven-year cleanup, which concluded in the summer of 2015, failed to reach the goals of a 2002 agreement between EPA and General Electric Co.

GE dredged about 40 miles of river bottom between Fort Edward in Washington County and Troy in Rensselaer County to remove toxic PCBs. The company had legally dumped PCBs in the river from its former capacitor plants in Fort Edward and Hudson Falls until that became illegal in the late 1970s.

The lawmakers' letter criticized a draft EPA report issued this summer that found the cleanup will reach its goals, although it will take five decades or more, and depends in part on a natural degradation of remaining PCBs in the river.

That claim has been challenged repeatedly by environmental groups, the state Department of Environmental Conservation, and two other federal agencies responsible for the Hudson — the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration.

While EPA believes dredging goals were reached, the project still left behind more PCBs than originally planned, because PCB levels found in the Hudson turned out to be higher than expected before work started.

"The EPA should immediately initiate further cleanup of the upper Hudson and investigate PCB contamination in the lower Hudson," according to the letter. "We call upon you to conclude that the remedy for the entire Hudson River Superfund site is "not protective," and remove the finding that it will be protective."

The letter was also signed by Congress members Paul Tonko, an Amsterdam Democrat, as well as members Jerold Nadler, Nita Lowey, Carolyn Maloney, Sean Patrick Maloney, and Eliot Engle. All are Democrats, and represent districts that include the river.

In May, Gillibrand, Tonko, Lowey, Engle, and Sean Patrick Maloney wrote a similar letter to Pruitt.

The state Department of Environmental Conservation is also pushing EPA to order more dredging, and to investigate PCB contamination in the lower Hudson from the Capital Region to New York City.

EPA is currently considering its final report on the project. If federal officials determine that GE met the 2002 targets, EPA could declare the project to be complete, which could absolve GE of potential liability for environmental issues.

GE has steadfastly rejected calls for any additional cleanup, maintaining the company lived up to its EPA agreement. The company dredged about 310,000 pounds of PCBs out of the river.

NORTH COUNTY NOW

Officials estimate Massena cleanup in Grasse River will take five years

By Andy Gardner

October 20, 2017

MASSENA -- Arcadis and the Environmental Protection Agency officials estimate a five-year project to remediate pollution in the Grasse River caused by Alcoa.

Arconic split from Alcoa in 2016. The portion of the Alcoa plant that is now Arconic leaked contaminants including polychlorinated biphenyls into the causeway that flowed downstream and polluted the Grasse River. The Grasse in that area flows south and empties into the St. Lawrence River below Snell Lock.

At the Wednesday meeting, Dan Casey from Arcadis and Yueng Chang from the EPA updated the Town Council on the project to clean up the pollution.

Arcadis is the engineering firm that Arconic has hired to do the cleanup project.

Casey said they are building a water treatment facility at the former Seaway Valley Modelaires flying field at the intersection of county Route 42 and state Route 131. Barges from there will take loads of contaminated soil to be treated, Casey said.

Chang said the project will clean sediment in a 7.2 mile stretch from the old power dam upstream to the confluence with the St. Lawrence River downstream.

The total project will take five to six years, Chang said. Most of the cleanup won't start until 2019. She said there is a small amount of soil they will clean up next year because it is inside a steel barrier they are building at the site.

Town Supervisor Joe Gray said he hopes after the project is done, the dock they are building will be transferred to the town for public use.

"We've had some discussion at public availability sessions that that would be a very attractive thing to leave there, longer term," he said.

The Town of Massena is not a party in the settlement that is cleaning the river. The involved parties are the state Department of Environmental Conservation, the St. Regis Mohawk Tribe, the National Oceanic and Atmospheric Administration and U.S. Fish and Wildlife, Chang said.

BUFFALO NEWS

Niagara Falls mayor welcomes scrutiny of sewage scourge

By T.J. Pignatare

October 20, 2017

Niagara Falls Mayor Paul Dyster welcomed more than 300 Great Lakes advocates to the region this week by asking them if they'd heard about the late July black sewage discharge at the American Falls.

Most raised their hands.

"It took about five minutes for that image to travel around the globe," Dyster said.

He added: "Generally speaking, one would say that's a bad thing. But one of the things that's happened subsequently is our local news media have gotten really focused on the issue of combined sewer overflows."

Now, Dyster acknowledged almost every sewage overflow at the falls is documented.

"Maybe that is the case where something that we had ... swept under the carpet and somehow regarded as an acceptable way to do business is now somehow becoming unacceptable," Dyster said.

NJ SPOTLIGHT

High Arsenic Levels in Some Private Wells in New Jersey

By Tom Johnson

October 20, 2017



A new study by the U.S. Geological Survey and the Centers for Disease Control and Prevention estimates about 2 million Americans may be getting their drinking water from private wells considered to have high concentrations of arsenic.

The nationwide study suggests that those on private wells, including people in New Jersey, should consider having their water tested for the contaminant, presumed to be coming from natural sources.

Some of the locations where it is estimated that most people may have high levels of arsenic in their private wells include much of the West, parts of the Northeast, including New Jersey, and some of the southeastern coastal states.

“About 44 million people in the lower 48 states use water from domestic wells,” said Joe Ayotte, a USGS hydrologist and lead author of the study. “While we’re confident our research will help well owners understand if they live in areas of higher risk for arsenic, the only way for them to be certain of what’s in their water is to have it tested.”

Potential problems

The study is the latest by the USGS to look at potential problems with private wells. This summer, it found untreated groundwater in New Jersey shows high potential for being corrosive, increasing the risk for water coming out of the taps of homeowners with private wells.

Approximately 1 million people depend on private wells for their drinking water, according to the study. Long-term exposure to arsenic may cause health-related problems, including an increased risk of cancer.

In the arsenic study, using a standard of 10 micrograms per liter — the maximum contaminant level allowed for public water supplies — the researchers developed maps of the contiguous United States, showing locations where there are likely higher levels of arsenic in groundwater and how many people may be using it.

Natural sources

Nearly all of the arsenic in the groundwater tested for this study and used to map probabilities is likely from natural sources, and is presumed to be coming primarily from rocks and minerals through which the water flows.

In New Jersey, the areas with the highest concentrations appear to be in the northern Piedmont region of the state, according to Ayotte. The study ranked New Jersey 20th in population exposed to arsenic concentrations nationwide.

Using water samples from more than 20,000 domestic wells, the researchers developed a statistical model that estimates the probability of high arsenic in domestic wells in a specific area. They used that model in combination with information on the U.S. domestic well population to estimate the population in each county of the continental United States with potentially high concentrations of arsenic in wells.

Ayotte cautioned that while the study provides state and county estimates, they are not intended to take the place of more detailed or local information that may be available.

CBS NEW YORK

Water Experts Tout Progress In Saving Long Island Sound

By Jennifer McLogan

October 20, 2017

NORTHPORT, N.Y. – Dozens of water experts gathered at the Merchant Marine Academy with a vision for the future of Long Island Sound.

Their first symposium was held 20 years ago.

As CBS2's Jennifer McLogan reported, much has been achieved, but there are many current and emerging threats.

"If you don't use the water, why live here?" asked Northport fisherman Mark Serotoff, extolling the virtues of Long Island Sound.

At 110 miles long, with Connecticut to the north and Long Island to the south, it's a jewel to the eight million people who live within its watershed.

"I come out every day for lunch to break up my work day," one man said.

"It's beautiful. We have a boat out there," a woman added.

"Just so grateful to have grown up in a town like this," said another man.

Progress has been achieved, with 50 percent of Long Island Sound's toxic nitrogen gone.

"A 20-year reflection of the collective work of New York State, Connecticut and our federal partners to bring Long Island Sound back from the brink of some very significant contamination," announced New York State Department of Environmental Conservation Commissioner Basil Seggos.

However, dozens of water experts gave dramatic testimony, warning of current and emerging threats, including nitrogen from septic, climate change, sea level rise, acidity, invasive species, wetland loss and marine debris.

"We learned today that not only is Long Island Sound a beautiful natural asset, but it is also an economic engine," said Adrienne Esposito, of Citizens Campaign for the Environment.

"Our goal is to try and bring together all the local, state and federal stakeholders who care about our national park – the Long Island Sound – to figure out what we need to do moving forward," Congressman Thomas Suozzi added.

Long Island Sound, formed by ancient glaciers, will undergo significant change in the next 20 years. Experts say anticipating, preparing and adapting will save aquatic life, the water and the land around it.

Everyone at the water conference signed a pledge rededicating another 20-year effort to save Long Island Sound.

National News

ABC NEWS

EPA keeps scientists from speaking about report on climate

The Associated Press

October 23, 2017

The Environmental Protection Agency has kept three scientists from appearing at an event in Rhode Island about a report that deals in part with climate change.

The New York Times reports EPA spokesman John Konkus confirmed on Sunday that agency scientists would not be speaking at the event Monday in Providence. Konkus did not provide an explanation.

The event is designed to draw attention to the health of Narragansett Bay, New England's largest estuary.

A spokesman for Democratic U.S. Sen. Jack Reed of Rhode Island says the event will go on as planned and the report will be released. The report finds that climate change is affecting air and water temperatures, precipitation, sea level and fish.

Reed told The Associated Press in a statement Sunday night that "muzzling EPA scientists won't do anything to address climate change."

WASHINGTON POST

EPA Administrator Scott Pruitt's claim that the U.S. is 'leading the world' in 'CO2 footprint' reductions

By Nicole Lewis

October 23, 2017

"We are leading the nation — excuse me — the world with respect to our CO2 footprint in reductions."
— Scott Pruitt, administrator of the Environmental Protection Agency, during an interview on Fox News's "Your World," Oct. 17, 2017

"We have reduced our CO2 footprint by over 18 percent, almost 20 percent, from 2000 to 2014."
— Pruitt, remarks during an interview on Fox News's "Your World," Oct. 17

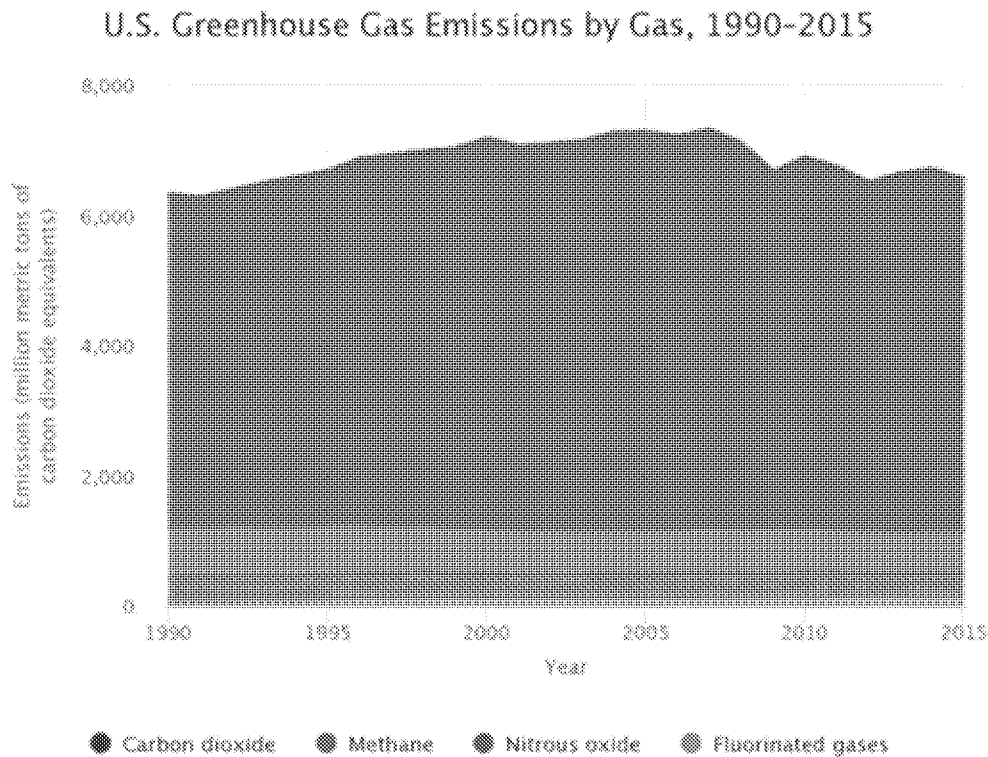
When the host of "Your World" pressed EPA Administrator Scott Pruitt on his views on climate change, Pruitt dodged the question and instead spoke about President Trump's reasons for leaving the Paris climate accords. He expressed frustration that "China and India didn't have to take any steps with CO2 reductions until the year 2030," before asserting that the United States was a leader in reducing carbon emissions.

Regular readers of The Fact Checker may remember we gave Pruitt Four Pinocchios for this talking point on China and India, yet he trotted it out again to deflect from his position on climate change. And this time he added to the claim, citing statistics on the United States' progress toward reducing emissions.

But this new bit of spin is also misleading. (We will set aside the irony that these reductions took place under President Barack Obama.) Let's explore.

The Facts

The EPA estimates CO2 made up 82 percent of all human-related greenhouse gas emissions in the United States in 2015. The primary source of the emissions is the combustion of fossil fuels — coal, natural gas and oil — for electricity generation, transportation and industrial processing.



Source: U.S. EPA's Inventory of U.S. Greenhouse Gas Emissions and Sinks, 1990-2015
<https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks>

Pruitt says the United States is leading the world in reducing emissions, and that it reduced emissions by “18 percent, almost 20 percent.”

What does the data say?

In 2015, CO2 emissions in the United States decreased 2.6 percent, following increases of 1.8 percent and 1.1 percent in 2013 and 2014, respectively, according to a 2016 report by the Netherlands Environment Assessment Agency. China and India, two of the largest carbon-dioxide emitters, in 2015 saw a 0.7 percent reduction and a 5.1 percent increase, respectively.

And what about the 2000-2014 reductions?

According to the EPA, since 2000 energy-related CO2 emissions in the United States have fallen 7.5 percent.

So where does Pruitt get the 18 percent figure?

An EPA spokesperson said the administrator “was referencing the CO2 footprint from energy-related industries,” citing a report from the Association of Air Pollution Control Agencies, which states that “per capita energy-related carbon dioxide emissions were down 18.1 percent on average nationally.”

In other words, Pruitt is picking the data metric that puts his talking point in the best possible light, even if means he is not consistently using the same metric. But he obscures that fact by failing to clarify that he’s shifting metrics.

With respect to India and China, Pruitt's claim uses total emissions reductions as a comparison point. And when it comes to the United States, Pruitt is using the per capita measure.

While the 2015 reductions put the United States ahead of China and India, the numbers aren't the best comparison. That's because China and India are much larger than the United States. Using a per capita measure helps to normalize the emissions numbers, based on population, to account for the vast size difference.

China and India both are home to more than 1.3 billion people. The U.S. population is only one-quarter of that — about 325 million. On a per capita basis, the United States produced 16.5 metric tons of CO2 in 2014, according to the World Bank. China produced 7.5 metric tons and India produced 1.7 metric tons.

By this measure, the United States produced more than double the emissions of China and eight times more than India. The United States has a long way to go to bring per capita emissions in line with China and India, yet Pruitt twists this metric to make it seem as if the United States is not such a big emitter of CO2.

While Pruitt highlights an overall reduction for the United States, per capita figures are best used to facilitate comparison among states.

In 2014, Texas was the largest emitter of CO2, releasing more than 600 million metric tons of carbon dioxide into the atmosphere. Wyoming, in contrast, emitted under 100 million metric tons. Yet even though Texas produced six times more CO2 than Wyoming, Wyoming is the highest per capita emitter. That's because Texas is home to 27 million people, while Wyoming has fewer than 600,000. Winters are also much colder in Wyoming than Texas, increasing the need for electricity and other fuel sources to keep warm through the cold months.

Additionally, some states saw significant reductions in carbon emissions while others experienced only a minimal decrease. The average obscures whether the country's biggest emitters saw a significant reduction in CO2 emissions, which is a more telling measure. For example, the District of Columbia produced 3.0 million metric tons of CO2 in 2014, the least of the District and the 50 states. From 2000-2014, the District's emissions decreased 30 percent, one of the largest declines. Meanwhile, Texas produced 641 million metric tons in 2014, the largest of the 50 states. From 2000-2014, Texas reduced its emissions by just 1.6 percent.

Ultimately, the data show Pruitt is overselling the reductions. We sought to clarify Pruitt's data points with the EPA, but officials did not provide much of an explanation. When asked if Pruitt misspoke and left out the word "per capita" during the Fox interview, an EPA spokesperson reiterated the fact that he was referring to per capita emissions.

The Pinocchio Test

Pruitt claims the United States is leading the way in reducing its carbon footprint, decreasing emissions by 18 percent from 2000-2014. But he is misrepresenting the data. The United States may have had the largest decrease in carbon emissions, but it is still the largest per capita emitter. And when it comes to overall carbon emissions reductions, Pruitt uses the average per capita decrease instead of the overall decrease, without actually making clear he's talking about per capita numbers.

Pruitt uses this data to bill the United States as a global leader in combating climate change — even as he's vocal about revitalizing the coal industry, a major contributor to carbon dioxide emissions, and cutting emissions regulations.

We wavered between Two and Three Pinocchios, but settled on Three. Since Pruitt's staff refused to say he misspoke, using the per capita figure to tout an overall decrease appears to be a deliberate effort to mislead the public.

Three Pinocchios



WNYT NEWS

Construction starts in Bennington on waterlines to homes with tainted wells

By Associated Press

October 20, 2017



Officials say construction has started on an extension of a municipal waterline in Bennington and the village of North Bennington to properties with private wells contaminated with the chemical PFOA, a suspected carcinogen.

The chemical was used at a now-closed plant in North Bennington owned by Saint-Gobain Performance Plastics.

The company has agreed to a pay \$20 million for a public waterline extension to about 200 homes affected by contaminated private water supplies.

The Vermont Agency of Natural Resources said Thursday that the Bennington waterline extension will be 10 miles long and serve about 155 properties in the northwest section of town. The North Bennington village extension will be 4 miles long and serve 55 properties. The projects are expected to be completed a year from now.

ENN

U.S. Ocean Observation Critical to Understanding Climate Change, But Lacks Long-Term National Planning

From: National Academies of Sciences, Engineering, and Medicine

October 20, 2017

The ocean plays a critical role in climate and weather, serving as a massive reservoir of heat and water that influences tropical storms, El Niño, and climate change. In addition, the ocean has absorbed 30 percent of the carbon dioxide associated with human activities, lessening the climate effects of fossil fuel combustion.

Ocean observing systems are important as they provide information essential for monitoring and forecasting changes in Earth's climate on timescales ranging from days to centuries. A new report by the National Academies of Sciences, Engineering, and Medicine finds that continuity of ocean observations is vital to gain an accurate understanding of the climate, and calls for a decadal, national plan that is adequately resourced and implemented to ensure critical ocean information is available to understand and predict future changes. The report notes that federal activities provide an opportunity for sustained and coordinated ocean-observing in the U.S., but require coordinated and high-level leadership to be effective. Additional benefits of this observational system include improvements in weather forecasting, marine resource management, and maritime navigation.

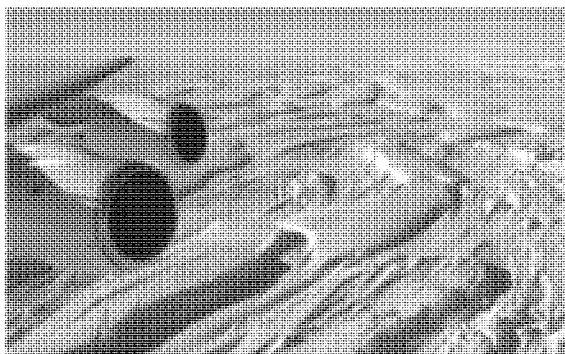
The United States' contributions to the international network of ocean-observing activities are substantial today, and have advanced our understanding of global climate. Particularly, the U.S. is a leader in the efforts of the Global Ocean Observing System, an international organization that identifies priority ocean variables for understanding climate and technical requirements for their measurements. But issues related to flat or declining funding are jeopardizing the country's leadership and creating challenges in maintaining long-term ocean-related climate observations, the report says. Funding mechanisms that rely on annual budget approval or short-term grants may result in discontinuity of ocean-climate measurements, reducing the value of the observations made to date and in the future.

ENN

NOAA, NASA team up again to investigate the atmosphere over Antarctica

From: NOAA

October 20, 2017



Thirty years after NASA and NOAA launched a groundbreaking airborne campaign to study the Antarctic ozone hole, the two federal science agencies have once again joined forces over the world's highest, driest and coldest continent to sniff out the secrets of the atmosphere.

On Oct. 14, NASA's heavily instrumented DC-8 flew over Antarctica as part of the Atmospheric Tomography Mission or ATom, an unprecedented effort to sample the remote atmosphere to understand the distribution of man-made pollutants and short-lived greenhouse gases.

"The atmospheric measurements that ATom takes are unavailable by any other means," said NOAA scientist Tom Ryerson. "ATom is designed to tell us the current state of 80 percent of Earth's atmosphere. It will give us an important and unique reality check on the computer models we use to predict the future."

In 1987, it was another planetary puzzle that brought NASA and NOAA together. The ozone hole had just been discovered and the joint mission to Antarctica was designed to help resolve questions about which of several competing theories were responsible for the seasonal depletion of stratospheric ozone.

ABC NEWS

Study: Pollution kills 9 million a year, costs \$4.6 trillion

By Katy Daigle, Associated Press

October 20, 2017



Environmental pollution — from filthy air to contaminated water — is killing more people every year than all war and violence in the world. More than smoking, hunger or natural disasters. More than AIDS, tuberculosis and malaria combined.

One out of every six premature deaths in the world in 2015 — about 9 million — could be attributed to disease from toxic exposure, according to a major study released Thursday in the Lancet medical journal. The financial cost from pollution-related death, sickness and welfare is equally massive, the report says, costing some \$4.6 trillion in annual losses — or about 6.2 percent of the global economy.

"There's been a lot of study of pollution, but it's never received the resources or level of attention as, say, AIDS or climate change," said epidemiologist Philip Landrigan, dean of global health at the Icahn School of Medicine at Mount Sinai, New York, and the lead author of the report.

The report marks the first attempt to pull together data on disease and death caused by all forms of pollution combined.

"Pollution is a massive problem that people aren't seeing because they're looking at scattered bits of it," Landrigan said.

Experts say the 9 million premature deaths the study found was just a partial estimate, and the number of people killed by pollution is undoubtedly higher and will be quantified once more research is done and new methods of assessing harmful impacts are developed.

Areas like Sub-Saharan Africa have yet to even set up air pollution monitoring systems. Soil pollution has received scant attention. And there are still plenty of potential toxins still being ignored, with less than half of the 5,000 new chemicals widely dispersed throughout the environment since 1950 having been tested for safety or toxicity.

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Several other countries such as Bangladesh, Pakistan, North Korea, South Sudan and Haiti also see nearly a fifth of their premature deaths caused by pollution.

Still, many poorer countries have yet to make pollution control a priority, experts say. India has taken some recent actions, such as tightening vehicle and factory emission standards and occasionally limiting the number of cars on New Delhi's roads. But they have done little about crop burning, garbage fires, construction dust or rampant use of the dirtiest fossil fuels.

A court ban on firework sales before the Diwali festival didn't stop New Delhi residents from firing rockets and lighting crackers throughout Thursday night. They awoke Friday morning to acrid, smoke-filled skies and levels of dangerous, lung-clogging particulate matter known as PM2.5 that went beyond 900 parts per million — 90 times the recommended limit by the World Health Organization, and 22 times higher than India's own limits.

"Even though better pollution norms are coming in, still the pollution levels are continuously increasing," said Shambhavi Shukla, a research associate with the Delhi-based Center for Science and Environment, which was not involved in the Lancet study.

To reach its figures on the overall global pollution burden, the study's authors used methods outlined by the U.S. Environmental Protection Agency for assessing field data from soil tests, as well as with air and water pollution data from the Global Burden of Disease, an ongoing study run by institutions including the World Health Organization and the Institute for Health Metrics and Evaluation at the University of Washington.

Even the conservative estimate of 9 million pollution-related deaths is one-and-a-half times higher than the number of people killed by smoking, three times the number killed by AIDS, tuberculosis and malaria combined, more than six times the number killed in road accidents, and 15 times the number killed in war or other forms of violence, according to GBD tallies.

It is most often the world's poorest who suffer, the study found. The vast majority of pollution-related deaths — 92 percent — occur in low- or middle-income countries, where policy makers are chiefly concerned with developing their economies, lifting people out of poverty and building basic infrastructure. Environmental regulations in those countries tend to be weaker, and industries lean on outdated technologies and dirtier fuels.

In wealthier countries where overall pollution is not as rampant, it is still the poorest communities that are more often exposed, the report says.

"What people don't realize is that pollution does damage to economies. People who are sick or dead cannot contribute to the economy. They need to be looked after" — which is also costly, Fuller said.

"There is this myth that finance ministers still live by, that you have to let industry pollute or else you won't develop," he said. "It just isn't true."

The report cites EPA research showing that the U.S. has gained some \$30 in benefits for every dollar spent on controlling air pollution since 1970, when Congress enacted the Clean Air Act, one of the world's most ambitious environmental laws. Removing lead from gasoline has earned the U.S. economy another \$6 trillion cumulatively since 1980, according to studies by the U.S. Centers for Disease Control and Prevention.

Some experts cautioned, however, that the report's economic message was murky. Reducing the pollution quantified in the report might impact production, and so would not likely translate into gains equal to the \$4.6 trillion in economic losses.

The report "highlights the social and economic justice of this issue," said Marc Jeuland, associate professor with the Sanford School of Public Policy and the Duke Global Health Institute at Duke University, who was not involved in the study.

Without more concrete evidence for how specific policies might lead to economic gains, "policy makers will often find it difficult to take action, and this report thus only goes part way in making the case for action," he said.

Jeuland also noted that, while the report counts mortality by each pollutant, there are possible overlaps — for example, someone exposed to both air pollution and water contamination — and actions to address one pollutant may not reduce mortality.

"People should be careful not to extrapolate from the U.S. numbers on net (economic) benefits, because the net effects of pollution control will not be equivalent across locations," he said.

The study's conclusions on the economic cost of pollution measure lost productivity and health care costs, while also considering studies measuring people's "willingness to pay" to reduce the probability of dying. While these types of studies yield estimates at best, they are used by many governments and economists trying to understand how societies value individual lives.

While there has never been an international declaration on pollution, the topic is gaining traction.

The World Bank in April declared that reducing pollution, in all forms, would now be a global priority. And in December, the United Nations will host its first pollution conference.

"The relationship between pollution and poverty is very clear," said Ernesto Sanchez-Triana, lead environmental specialist at the World Bank. "And controlling pollution would help us address many other problems, from climate change to malnutrition. The linkages can't be ignored."

CLEVELAND.COM

[Contaminants taint some NE Ohio water, but EPA says safe to drink](#)

By James F. McCarty, The Plain Dealer

October 20, 2017



Potentially carcinogenic byproducts from improperly treated drinking water were found in three Northeast Ohio water systems in 2014-2015, according to a new report by an environmental research group.

Unhealthy levels of trihalomethanes, or TTHMs, were reported by water utility companies in Wellington, Munroe Falls and Ravenna.

One of the three communities reported levels above the EPA's maximum allowable annual average level of 80 parts per billion in drinking water. The other two were below that threshold, but substantially higher than the 0.8 parts per million level that California scientists said poses a one-in-a-million chance of causing cancer, according to the Washington, D.C.-based Environmental Working Group.

Last month, Wellington Village sent notices to all of its customers alerting them to a 1 part per billion exceedance of TTHMs during the previous testing period. According to the Ohio EPA, the violation posed no immediate health risks, although long-term consumption of water at that level could cause problems.

Mark Rosemark, the village's water superintendent, said the elevated TTHMs were addressed by flushing the system's water lines, and obtaining a state loan to replace a 60-year-old, 300,000-gallon storage tank with an aeration system that will help to reduce the contaminants. Construction is scheduled for next year.

James Lee of the Ohio EPA said Wellington is addressing the problem appropriately.

"That's something they need to stay on top of, and by and large they're doing well," Lee said. "There are no immediate health concerns, and people can continue drinking the water."

Ravenna has already addressed its TTHM problem with a new aeration system installed last year, said Tim Stephens, superintendent of the city's water treatment plant.

Munroe Falls Service Director Jim Bowery said his city has implemented a more aggressive pipe-flushing program, and has contracted with a private group of engineers to redesign the intake and outtake levels of the city's tower reservoirs to draw water from different sections of its storage tanks.

Almost all water systems in Northeast Ohio contain small levels of contaminants, including TTHMs, a group of four chemicals formed when chlorine used to treat impurities in drinking water reacts with naturally occurring

organic and inorganic matter. Those elements include algae, fecal bacteria, manure and other farm pollutants that enter streams and reservoirs from agricultural runoff.

TTHMs can form after the treated water resides in storage tanks or water pipes for an extended period of time, Lee said.

Drinking tap water contaminated with TTHMs increases the risk of bladder cancer, and also has been associated with liver, kidney and intestinal tumors, as well as increasing the risk of prenatal problems, according to the EWG.

The EPA's Lee declined to address the strict TTHM standard of 0.8 parts per million established by the state California scientists and recommended by EWG.

"The levels that Ohio uses are the federal standards, and based on the best available science, are considered safe," Lee said.

The EWG report says water polluted with TTHMs is a serious problem in rural communities that federal policies do little to control. Water treatments needed to remove the contaminants can be prohibitively expensive, potentially bankrupting small rural communities, the report said.

"EWG's Tap Water Database, which collects results of tests for contaminants by nearly 50,000 utilities nationwide, shows that rural Americans are bearing the brunt of the health risks and economic costs of unchecked farm pollution," the report said.

To obtain its findings, the EWG investigated reports from the U.S. EPA and Department of Agriculture. From 2014-2015, these systems had the highest levels of TTHMs in drinking water in Northeast Ohio, according to the report:

- Wellington, Lorain County: 68.72 parts per billion; 103,000 acres of cropland, range land, pasture; 74,000 acres with applied manure/fertilizer;
- Ravenna, Portage County: 62.61 parts per billion; 59,000 acres of cropland, range land, pasture; 47,000 acres with applied manure/fertilizer;
- Munroe Falls, Summit County: 61.11 parts per billion; 9,700 acres of cropland, range land, pasture; 6,900 acres with applied manure/fertilizer.

Wellington's September exceedence was recorded after the 2014-2015 time range addressed in the EWG report.

To combat elevated TTHMs, EWG recommends that water treatment plants do a better job of filtering organic and inorganic materials out of the water prior to beginning chlorine treatments.

For homeowners concerned about contaminants in their drinking water, EWG recommends treating tap water with activated carbon or reverse osmosis filters, both of which will eliminate Trihalomethanes.

NBC 4 NEWS

Pollution Is Deadlier Than War, Disaster, Hunger, Study Finds

Pollution-related death, sickness and welfare costs about \$4.6 trillion each year, the study in Lancet medical journal found

By Katy Daigle

October 20, 2017



Environmental pollution — from filthy air to contaminated water — is killing more people every year than all war and violence in the world. More than smoking, hunger or natural disasters. More than AIDS, tuberculosis and malaria combined.

One out of every six premature deaths in the world in 2015 — about 9 million — could be attributed to disease from toxic exposure, according to a major study released Thursday in the Lancet medical journal. The financial cost from pollution-related death, sickness and welfare is equally massive, the report says, costing some \$4.6 trillion in annual losses — or about 6.2 percent of the global economy.

"There's been a lot of study of pollution, but it's never received the resources or level of attention as, say, AIDS or climate change," said epidemiologist Philip Landrigan, dean of global health at the Icahn School of Medicine at Mount Sinai, New York, and the lead author on the report.

The report marks the first attempt to pull together data on disease and death caused by all forms of pollution combined.

Calif. Wildfires Bring Major Air Quality Concerns



Smoke and ash from the wildfires in Northern California are prompting severe air quality concerns around the Bay Area. Experts estimate the amount of pollution produced by the wildfires is equivalent to what's emitted by all of California's 35 million cars in a year.

"Pollution is a massive problem that people aren't seeing because they're looking at scattered bits of it," Landrigan said.

Experts say the 9 million premature deaths the study found was just a partial estimate, and the number of people killed by pollution is undoubtedly higher and will be quantified once more research is done and new methods of assessing harmful impacts are developed.

Areas like Sub-Saharan Africa have yet to even set up air pollution monitoring systems. Soil pollution has received scant attention. And there are still plenty of potential toxins still being ignored, with less than half of the 5,000 new chemicals widely dispersed throughout the environment since 1950 having been tested for safety or toxicity.

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USA TODAY

[California fires are causing a run on face masks. Warning: flat blue masks won't work](#)

By Elizabeth Weise

October 20, 2017

Home Depot is sold out of face masks, people sleeping in shelters have bandanas tied around their faces and residents even 50 miles away from the fires in northern California find themselves coughing and hacking as smoke and haze blanket the area.

The air quality index for San Francisco, Silicon Valley and the area around the fires was predicted to hit 158 on Friday, according to the Environmental Protection Agency, or nearly five times what's considered safe.

That's the same kinds of levels found in famously polluted Beijing, which on Friday was measured at between 158 and 165 by the U.S. embassy there.

"The federal (safe) standard is 35," said John Balmes, a professor of medicine at the University of California-San Francisco and expert on environmental health.

CALIFORNIA'S HARMFUL AIR QUALITY



Residents who signed up for alerts from local authorities were barraged with air quality health advisories and Spare-the-Air alerts. Schools cancelled recess, teams cut sports practices and parents received notices that weekend football and soccer games might not be held.

The air quality level has been in the "unhealthy" to "very unhealthy" range since the fires began early Monday morning and is expected to stay bad as long as they continue. Wind and geography mean that the haze-affected area extends well beyond the towns where the fires are burning, putting millions of people in harm's way.

"It's smoke, it's particulate matter, it's even toxins from burning plastics and homes. All have very irritating qualities. People will have stinging eyes, trouble breathing, scratching throats and running noses," said Catherine Forest, a physician and expert on environmental toxins at Stanford Health Care in Palo Alto, Calif.

The levels of small particulate matter reported near the fires and further south around San Francisco are especially dangerous for those with pre-existing lung and heart disease, such as asthma, COPD (Chronic Obstructive Pulmonary Disease) and any kind of heart disease.



The best advice is to simply stay indoors with the windows shut and air conditioning or heaters set to recirculate air, said Forest.

"Don't go out if you can avoid it, don't exercise if you can avoid it. Keep the elderly, small children and anyone with heart or lung disease inside," she said.

But for the hundreds of thousands of people who have to go about their daily work, not to mention the tens of thousands in the fire area, that's impossible advice to follow.

A mask, but not just any mask



N95 face masks are meant to keep out small particles that can cause lung irritation. Experts recommend that those who need to be outside during the smoke and haze of the wildfires in northern California wear them to protect their breathing. (Photo: Elizabeth Weise)

For them, the best bet is to wear a face mask. But it's got to be an OSHA-approved N95 particulate filtering mask.

"Not the flat hospital-type masks people sometimes wear. Those are worse than useless because they give you a false sense of security" and don't filter out the most dangerous small particles, said Forest.

The N95 masks have been in short supply in the Bay area due to the fires. At a Home Depot in Fairfield, Calif., where a fire was burning north of town and some areas were under evacuation watch, a steady stream of customers came in looking for masks. But the shelf was bare.

One man asked a Home Depot staffer if there were any left and when he was told no, asked if he could buy the one hanging around the staffer's neck.

"You're not the first guy who's offered that," said the staffer, who declined both to sell the mask and to give his name.

At an Orchard Supply Hardware in Berkeley, Calif., a woman answered the phone, "Good morning Orchard Supply, we are sold out of all masks, how may I help you?" The store was working on getting an emergency truckload of masks.

Johnston Medical, also in Berkeley, was one of the few stores that still had some of the masks recommended by the CDC on hand. Clerks scrambled to help shoppers find masks in picked-over boxes. After hanging up from yet another call, one clerk turned to the other: "Guess what they wanted?"

The empty shelves are only very local, unlike other times, said Balmes. During the global SARS outbreak in 2012 there was a global shortage.

"The Chinese were buying them all up," said Balmes.

When people do find the masks, there are tricks to making them as effective as possible. First is to get the right size. While hardware stores typically only sell the large size of the masks, they actually come in three sizes, small medium and large. Try medical supply stores for the smaller sizes that tend to work better for women and children, experts suggest.

Then bend the flexible metal strip at the top of the mask so that it fits the curve of the nose, to get it the tightest possible.

"They have to seal around, like a snorkel mask," said Balmes.

Such masks are commonly worn by people in cities like Beijing and Shanghai, where residents live with dangerous air quality for much of the year. By Thursday, they were becoming a regular sight on the streets in Napa, Sonoma and Mendocino.

For those in their cars, the best advice is to keep the windows rolled up and put the air system on recirculate rather than having fresh air come in from the outside.

"You can run the heater or the air conditioner, as long as you've got it on recirculate," said Balmes.

Overall, the poor air quality shouldn't pose a long term threat to healthy individuals as long as it doesn't last more than another few days, say the experts.

Healthy lungs are remarkably self-cleaning, said Forest. They're lined with mucus-coated, hair-like projections called cilia. The mucus catches the tiny particles that we breathe in and then the waving, beating motion of the cillium moves them up and out of the lungs.

"It's kind of like a little escalator. It carries it up out of your lungs and you either swallow or cough it out. Either is fine," she said.

HEPA filters

Another option is to run a home air filter. As long as it's got a HEPA (high efficiency particulate air) filter can catch most, though not all, fine particles, defined as 2.5 microns in diameter or less, which can irritate lungs.

"They're so small you can't see them, but they'll make you cough," said Baumes.

The trick with HEPA filters is to change the filters, said Forest. You can't just buy them and run them forever without putting in a new filter, "or they end up not doing anything at all," Forest said.

Karen Story

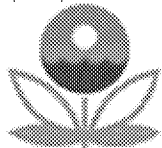
U.S. Environmental Protection Agency

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Message

From: Lundquist, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9FD48D29DB5B4170A854B5CE4FC32A91-LUNDQUIST, SUSAN S.]
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Subject: OIAA Weekly Activity Report - 04/30/15
Attachments: 04.30.15 OIAA Weekly Activity Report Final.docx

Greetings,

Please find attached OIAA's approved Weekly Activity Report.

Please let me know if you have any questions or concerns regarding this email.

All the best,

Susan Lundquist
U.S. Environmental Protection Agency
Program Analyst/Special Assistant
Office of Environmental Information
Office of Information Analysis and Access
(919) 541-1131

Weekly Activity Report
Office of Information Analysis and Access
April 24 – April 30, 2015

Recent Activities and Accomplishments:

Information Access

- **ECSS Email Alert Demonstration:** The Office of Information Analysis and Access and GovDelivery demonstrated the Enterprise Customer Service Solution – Email Alert Service for the Safety Health and Environmental Management Division on April 16. SHEMD is considering implementing the ECSS-EAS system on the Intranet, which will allow employees to subscribe to email alerts on topics such as health and wellness, safety, fitness as well as injury and illness prevention. If implemented, SHEMD will be the first office to implement ECSS-EAS on the Intranet. ECSS-EAS allows site visitors to subscribe to email alerts about topics on the Agency website. The software automatically sends email notifications when new information is posted or a website changes and it helps drive visitors to the Agency website. (Contact: Marlyn Aguilar, 202-566-0012)

Toxics Release Inventory

- **Petition to Add Glyphosate to the Toxics Release Inventory:** A petition has been received from a private citizen to add glyphosate to the TRI chemical list. Glyphosate is an herbicide that is widely used in weed control products such as Roundup. The existing toxicity data will be reviewed to determine if glyphosate meets the TRI chemical listing criteria. (Contact: Daniel Bushman, 202-566-0743).

Web Products and Services

- **Apps for the Environment at Take Our Daughters and Sons to Work Day:** Office of Information Analysis and Access and Office of Air and Radiation staff facilitated the Apps for the Environment session at the U.S. Environmental Protection Agency's Take Our Sons and Daughters to Work Day on April 23. Attendees were allowed to try environmental applications such as the UV Index and AirNow application. Staff also demonstrated the newly developed Trash or Recycle game that promotes recycling. Children were asked to provide feedback and comments to enable developers to make improvements to this new app. The event was presented in partnership with other Agency program offices. (Contact: Marlyn Aguilar, 202-566-0012; Andrew Yuen, 202-566-1308)
- **Drupal Webinars:** The Office of Information Analysis and Access recently presented webinars on the Drupal Web Content Management System. On April 24, five people attended "Drupal WebCMS Training." This class is for people experienced in the Drupal WebCMS to understand the system more completely and learn about important but less often used functionality. On April 27, 22 people attended the "Drupal WebCMS 101" webinar about access to the system, Web areas (resource directories and microsites) as well as editing and adding content on basic pages. On April 28, twelve people attended "Making Good Document Pages" about how to add portable

document formats in Drupal WebCMS. This class demonstrated making good titles, descriptions of the content, link text, single-document pages and multi-document pages. (Contact: Judy Dew, 919-541-2987)

- **In-Person Drupal Training for Beginners:** Responding to requests, the Office of Information Analysis and Access is offering six sessions of in-person training on the Drupal Web Content Management System. These sessions are designed for beginners with Drupal WebCMS. Each session is two days, with four hours of training each day. These classes include information about how to access the system, how Drupal WebCMS presents information, different content types in the system, adding images and files, special template features, create document pages and using panelizer. The class includes exercises and hands-on help. There's a 20-person limit per class, so registration is required, but is open to all offices. More information and registration is available [here](#). (Contact: Judy Dew, 919-541-2987; Susan Joan Smiley, 919-541-3993)
- **Special Earth Day Homepages for Websites:** The Office of Information Analysis and Access supported the Office of Public Affairs in promoting Earth Day with special splash pages on www.epa.gov and One EPA Workplace. A vivid image of a bald eagle replaced the usual public access and Intranet homepages on April 22. Special coordination and testing were necessary to ensure all the regular functions of the sites, including remote access, were operating correctly. (Contact: Jonda Byrd, 513-569-7183; Susan Joan Smiley, 919-541-3993)

Documents/Reports Being Released Outside EPA or Communications planned for all EPA Employees:

| Date | Name of Document/Report | Where is it Going? | Date Due |
|----------|--|---|----------|
| 04/01/15 | EPA National Library Network: Strategic Plan FY2015 – 2017 | Will be available online at NSCEP (http://www.epa.gov/nscep/) and on the Network's Internet site (http://www2.epa.gov/libraries). | 05/15/15 |

Upcoming Leave/Travel for the OD/DOD:

| Date | Reason for Travel/Out of Office | Name |
|----------|---------------------------------|---------------|
| 05/01/15 | CDO | Jeffrey Wells |

Upcoming Events

| Date | Event Details (e.g., conference, webinar, hearing, etc.) | Location, Time & Website or Link | Internal or External Stakeholders | Press | POC |
|----------|---|----------------------------------|-----------------------------------|-------|----------------|
| 05/07/15 | Informal Meeting: The Committee on National Statistics of the National | Washington, DC | External | No | Barry Nussbaum |

| Date | Event Details (e.g., conference, webinar, hearing, etc.) | Location, Time & Website or Link | Internal or External Stakeholders | Press | POC |
|---|--|------------------------------------|-----------------------------------|----------|--|
| | Academy of Sciences requested an informal meeting with EPA to discuss EPA's approach to Big Data and Data Analytics | | | | is POC; Richard Allen and Ethan McMahon will also attend |
| 05/18/15 (exact date TBD) | Invited Speaking Engagement: U.S. Chemical Safety Board; Focus: "TRI 101" presentation | CSB Headquarters, Washington, D.C. | External | No | Steve Devito |
| 06/01/15 (exact date TBD) | Webinar: For: Colombia Ministry of the Environment; Focus: TRI 101/P2 Search Tool | TBD | External | No | Daniel Teitelbaum |
| 06/12/15 | Webinar: For: P2 Resource Exchange Center (University of Nebraska-Omaha); Focus: Ways to use the TRI P2 Tool to identify and publicize P2 successes present to P2 Resource Exchange Center | TBD | External | No | Daniel Teitelbaum |
| 07/14/15-07/16/15 | Conference/Presentation: 19th Annual Green Chemistry and Engineering Conference. Presentation: "Trends in Environmental Releases and Other Waste Management Quantities of Toxic Chemicals from the Automotive Sector" | North Bethesda, MD | External | Possible | Steve Devito and Daniel Teitelbaum |
| 08/11/15-08/13/15 | Invited Panel: Vital Collaborations among Academe, Industry, and Government. This is in the Health Policy Statistics Section, a part of the American Statistical Association annual meeting. | Seattle, WA | External | No | Barry Nussbaum |
| 08/16/15-08/20/15 (exact pres. date TBD) | Conference/Presentation: National Meeting of the American Chemistry Society, participation in session: "Designing Safer Chemicals" | Boston, MA | External | Possible | Steve Devito |

